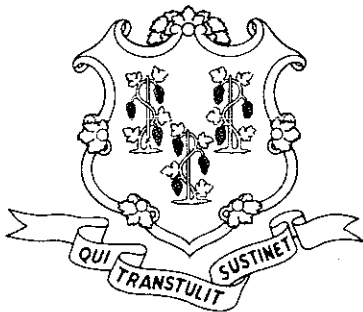


AN INVESTIGATION OF SELECTED ASPECTS OF THE CRIMINAL JUSTICE SYSTEM

Connecticut

General Assembly



LEGISLATIVE
PROGRAM REVIEW
AND
INVESTIGATIONS
COMMITTEE

JANUARY 1989

CONNECTICUT GENERAL ASSEMBLY

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 to evaluate the efficiency, effectiveness, and statutory compliance of selected state agencies and programs, recommending remedies where needed. In 1975, the General Assembly expanded the committee's function to include investigations, and during the 1977 session added responsibility for "Sunset" performance reviews. The committee was given bill raising and reporting authority in 1985.

The program review committee is composed of 12 members. The president pro tempore of the senate, the senate minority leader, the speaker of the house, and the house minority leader each appoint three of those members.

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Lillian B. Crovo, Executive Secretary
Amelia A. Fitzpatrick, Administrative Assistant

Staff on this Project

Carrie E. Vibert, Senior Attorney
M. Renee La Mark, Analyst II
William F. Salisbury, Analyst II

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Legislative Program Review and Investigations Committee
Investigation of
Selected Areas of the Criminal Justice System

SUMMARY

On September 28, 1987, the Joint Committee on Legislative Management approved a request by the Legislative Program Review and Investigations Committee to investigate certain aspects of the criminal justice system in Connecticut. The request was prompted by a earlier letter to the program review committee from the Senate President Pro Tempore John Larson and Speaker of the House Irving Stolberg. The letter cited concerns about the circumstances surrounding the use of an informant in the investigation of allegations against the husband of a superior court judge, before whom the informant's criminal prosecution for gambling was then pending, and the subsequent self-removal of the judge from the case.

The objectives of the investigation were twofold. One objective was to attempt to determine the facts of the judge's recusal in the above-mentioned case. As became clear, the recusal was one in a series of events related to the gambling case, the facts about which the committee also endeavored to determine.

The second objective was to review the structural, procedural, and historical environment within which the factual events took place. If the events demonstrated questionable behavior by Connecticut law enforcement or prosecutorial agencies, or both, the committee was then to assess whether the behavior was encouraged by or symptomatic of the structural or procedural environment and amenable to legislative remedy, or based on other factors.

In answer to the first objective, the program review committee found that certain events involving public employees surrounding the above-mentioned criminal case were indeed questionable. As to meeting the second objective, the committee found that certain structural and institutional deficiencies created an environment in which such events could occur.

The committee made specific findings related to the events surrounding the gambling investigation and prosecution that prompted the investigation. Additionally, the committee has proposed recommendations to address structural deficiencies found to contribute to the conflicts that arose surrounding the gambling case.

Findings Related to the Gambling Investigation
and Prosecution of Thomas Speers

1. The Legislative Program Review and Investigations Committee finds that actions taken over the past three years by members of the Criminal Justice Division and the state police in and around the Thomas Speers criminal case have created at best for Connecticut citizens a perception of a criminal justice system operating with little communication and considerable institutional parochialism to the detriment of the common goals of law enforcement and prosecution, and that those in leadership positions have not done what they should to dispel that perception.

2. There is no evidence on the record that any member of the state police had a direct connection to the conversation Attorney Timothy Moynahan had with Judge Anne C. Dranginis for which he was initially charged with coercion and attempted bribery, and ultimately granted accelerated rehabilitation on coercion charges. Attorney Moynahan's conversation, whatever the nature of it, was initiated by him. Regardless of the source of the information, the independent act of Attorney Moynahan to present such information to the judge makes him solely responsible for his acts.

3. The nature of Attorney Moynahan's conversation with Judge Dranginis was the subject of a criminal prosecution. There were remedies available for any determination of wrongdoing on Moynahan's part. He was granted accelerated rehabilitation under statutory provisions.

The Statewide Grievance Committee determined that because the conversation took place in the presence of a judge, under its interpretation of its jurisdictional boundaries, it had no jurisdiction in a matter the court could have handled.

The program review committee as a legislative entity has no role in the determination of guilt or innocence in a criminal matter. However, the committee understands that the Rules Committee of the Superior Court is considering clarifying language to enable the grievance committee to make judgments about the ethics of such conduct in the future, and the committee strongly recommends these clarifications be made.

4. There is no evidence on the record that any member of the state police suggested or encouraged Speers to call the Toll Gate Inn on February 26, 1987.

5. The committee finds troubling, however, the apparent lack of concern by the state police about how Speers came to call the Toll Gate at that particular time, a question that clearly goes to his motivation for providing the information to the police.

6. The decision to investigate the allegations in the Speers letter was a judgment call. The committee takes no position on the decision.

7. However, given the circumstances of the situation, with Judge Dranginis scheduled to hear the Speers' case, Speers should not have been used in the investigation at all. It should have been apparent to everyone in attendance at the March 4, 1987 meeting, especially the chief state's attorney and the state police legal advisor, a former prosecutor, that using Speers placed the prosecution in front of Judge Dranginis in a vulnerable position, no matter what the outcome of the investigation.

8. State's Attorney John A. Connelly, as well as an official in the judiciary, should have been told of the investigation immediately, not to treat Judge Dranginis in a preferential way, but in the interest of protecting the integrity of the case and the judicial system.

Secret Tapings

9. The secret tapings of State's Attorney John Connelly on March 4, 1985, and January 17, 1986, by State Police Lt. Bruce Haines present a troublesome state of relations between at least one prosecutor and one police officer, and showed a lack of professionalism on the part of Lt. Haines.

10. The seeming lack of response of both the state police commander and the chief state's attorney to the disclosures of the taping is disconcerting.

Use of Speers as an Informer

11. The state police did not have a department-wide informant policy prior to January 1988, which created a situation with little control and contributed to the Speers problem.

12. The facts about the use of Speers in general that became known during the committee investigation showed questionable management by and judgment on the part of the state police.

13. The relationship between Speers and the state police during the investigation of Speers and after his arrest exhibited a pattern of inappropriate solicitousness toward Speers.

14. The Statewide Organized Crime Investigative Task Force was negligent in its failure to conduct a search of Thomas Speers' house at the conclusion of the wiretap on his phones.

15. The arrest of the informant who provided information for Speers' wiretap, Robert "Gus" Fennessy, by SOCITF detectives appeared to be in retribution for the arrest of Thomas Speers.

16. Thomas Speers profited significantly and protected both his gambling operation and possibly organized crime through the manipulation of his informant relationship with the state police.

Chief State's Attorney Kelly's Involvement in Speers' Prosecution

17. Chief State's Attorney John Kelly should have informed State's Attorney Connelly about the Fennessy interview in a more timely fashion.

18. Chief State's Attorney Kelly should not have appeared in the Speers prosecution being conducted by State's Attorney Connelly on the issue of immunity for certain defense witnesses unless he had preempted the case.

19. The program review committee finds the perspective on criticism of the state police voiced by Public Safety Commissioner and State Police Commander Lester Forst's own prepared remarks before the committee troublesome and inappropriate for any agency of state government.

Recommendations

1. The chief state's attorney shall promulgate regulations in accordance with the Uniform Administrative Procedures Act to establish protocols to inform the Judicial Department of cases where a member of the judiciary may be affected by a law enforcement investigation. These regulations should require all law enforcement agencies to inform the chief state's attorney and the appropriate state's attorney about such investigations in a timely fashion. To the extent possible, the judicial notice provision should not compromise any such investigation.

2. The chief state's attorney shall promulgate regulations in accordance with the Uniform Administrative Procedures Act to address issues involving external issues or agencies. Thus, in the case of a policy about state police secretly taping prosecutors, if a policy is deemed necessary, it should be in the form of regulations.

3. The public safety commissioner and the commander of the state police should no longer be the same person by statute, and the public safety commissioner shall be a civilian appointee.

Informants

4. The state police shall undertake a complete revision of the January 1988 informant policy. The revision should address the program review committee's findings and incorporate those findings into regulations promulgated pursuant to the Uniform Administrative Procedures Act.

A centralized informant filing system shall be designed, implemented, and maintained by the central intelligence unit. The state police, in revising the policy, should refer to the written policies of other states, cities, and the federal level.

Statewide Organized Crime Investigative Task Force

5. The functions and duties of the Statewide Organized Crime Investigative Task Force shall be placed under the authority of the Office of Chief State's Attorney to promote a more comprehensive and direct attack on organized crime in the state.

Division of Criminal Justice

6. Each state's attorney shall hire, promote and discipline all prosecutors, inspectors, and other personnel in his/her office, subject to position availability and subject to confirmation by the Criminal Justice Commission.

7. The chief state's attorney shall also hire, promote, and discipline prosecutors, inspectors, and other personnel in his/her office, subject to position availability and confirmation by the Criminal Justice Commission.

8. The statutory provision that requires the state's attorneys "...to diligently inquire after and make appropriate presentment and complaint to the superior court of all crimes within the court's jurisdiction" shall remain.

9. By statute, the chief state's attorney shall establish units in his/her office responsible for the investigation and prosecution of organized crime, and for the investigation and prosecution of public corruption. The chief state's attorney's office would not have exclusive jurisdiction over these cases. These units should be staffed with appropriately skilled persons.

10. The chief state's attorney shall submit an annual report about the preceding year's activities of the chief state's attorney's organized crime and public corruption units as well as the activities of the entire Division of Criminal Justice to the legislative committee of cognizance. To enable the chief state's attorney to make this report, each state's attorney shall submit to the chief state's attorney an annual report including standardized data on activities within each particular judicial district.

11. The chief state's attorney should develop clearly articulated standards for staffing levels within the Division of Criminal Justice to guide his/her budgetary decisions, as a result of consultation with and input from the state's attorneys and a method of monitoring staffing needs.

12. The chief state's attorney should continue his emphasis on providing training, both entry level and continuing.

13. Statewide prosecutorial standards and guidelines should be established by the chief state's attorney, who shall actively solicit guidance from and seek to form a consensus with all state's attorneys. The standards should be published, and shall be followed by all prosecutors.

A state's attorney policy board shall be established, comprised of the chief state's attorney and three to six state's attorneys serving on a rotating basis for two-year terms. In addition to standards and guidelines, the board would address other policy matters such as peer review, resolution of conflicts, and serve as a sounding board for administrative matters.

To allow for general information flow, all state's attorneys and the chief state's attorney shall meet not less than once a month at a regularly scheduled meeting.

14. By statute, the chief state's attorney shall establish an appellate unit in his/her office.

15. The chief state's attorney shall be qualified to act in any judicial district in the state.

16. There shall be a statutory standard for when the chief state's attorney may represent the state under C.G.S. Sec. 51-277(d)(a). The standard shall be the establishment by clear and convincing evidence an abuse of discretion by a state's attorney, including a decision based on fraud, conflict of interest, a blatant misapplication of well-settled legal principles, or the investigation of a state's attorney for an alleged criminal violation.

In cases of preemption, the chief state's attorney shall prepare a written statement of the grounds upon which he/she is preempting the case. The affected state's attorney will also prepare a written opinion of the case. Both statements shall go into a permanent file to be maintained for the Criminal Justice Commission for review upon the request of the state's attorney, and for use at the time for reappointment of either the chief state's attorney or the state's attorney involved.

17. The chief state's attorney's evaluation for the reappointment of state's attorneys should be based on articulated standards applied to all state's attorneys, and carried out with an objective evaluation instrument approved by the Criminal Justice Commission.

CHAPTER I

INTRODUCTION

On September 28, 1987, the Joint Committee on Legislative Management approved a request by the Legislative Program Review and Investigations Committee to investigate certain aspects of the criminal justice system in Connecticut. The request was prompted by a earlier letter to the program review committee from the Senate President Pro Tempore John Larson and Speaker of the House Irving Stolberg. The letter cited concerns about the circumstances surrounding the use of an informant in the investigation of allegations against the husband of a superior court judge, before whom the informant's criminal prosecution for gambling was then pending, and the subsequent self-removal of the judge from the case.

The objectives of the investigation were twofold. One objective was to attempt to determine the facts of the judge's recusal in the above-mentioned case. As became clear, the recusal was one in a series of events related to the gambling case, the facts about which the committee also endeavored to determine.

The second objective was to review the structural, procedural, and historical environment within which the factual events took place. If the events demonstrated questionable behavior by Connecticut law enforcement or prosecutorial agencies, or both, the committee was then to assess whether the behavior was encouraged or symptomatic of the structural or procedural environment and amenable to legislative remedy, or based on other factors.

To achieve these purposes, the committee held a series of public hearings to which many of the key participants were invited to testify about the specifics of the gambling case as well as issues of general structure and process. In addition, committee staff conducted interviews, reviewed Connecticut statutes and agency policies, researched laws and procedures in other jurisdictions, surveyed over 600 state law enforcement and prosecutorial employees, and collected other data.

During the investigation, the committee also gained access to the records of two investigatory grand juries conducted in the last three years by Judges Barry R. Schaller and Hugh C. Curran.

This investigation did not examine the workings of the entire criminal justice system. However, in addition to examining the specifics of the gambling case that precipitated the investigation, the case also defined specific areas on which the committee focused and recommended changes. These areas are:

- o use of informants by the Connecticut State Police;

- o the activities of the Statewide Organized Crime Investigative Task Force (SOCITF), located within the state police; and
- o the relationship between the state's attorneys and the chief state's attorney.

This report contains, in addition to background material, program review committee findings and recommendations. The findings are conclusions based on information gathered by the committee. If deemed appropriate, proposed recommendations for either administrative or legislative changes follow the findings.

Some of the findings are based on the actual events of the gambling case that prompted the review. Others address broader structural areas. The bases for either type of finding are contained in accompanying narrative.

The report is divided into seven chapters:

- o Chapter II provides brief descriptive information about the criminal justice process, including a case flow chart;
- o Chapter III provides a chronology of the Thomas Speers' gambling case and related historical background;
- o Chapter IV provides background information and analysis about the state police and the use of informants;
- o Chapter V provides background information and analysis about the State Police and the Statewide Organized Crime Investigative Task Force;
- o Chapter VI provides background information and analysis about the Division of Criminal Justice; and
- o Chapter VII contains committee findings and recommendations.

CHAPTER II

CRIMINAL INVESTIGATION AND PROSECUTION PROCESS

The criminal justice system has been defined as an "integrated apparatus that is concerned with the apprehension, prosecution, conviction, sentencing, and correcting of malefactors." (The Criminal Justice System: Its Functions and Personnel, Felkenes, George. T., Prentice-Hall, Inc. 1973.) The Legislative Program Review and Investigations Committee, in response to concerns raised by events surrounding an illegal gambling investigation and prosecution, has focused its attention primarily on the first two stages listed above: apprehension and prosecution.

Figure II-1 presents a flow chart of all the possible formal steps that can be taken in reaction to a crime occurring or to information about possible criminal activity. In addition to the many steps depicted, geographic considerations increase the numbers of actors who may become involved in any given case.

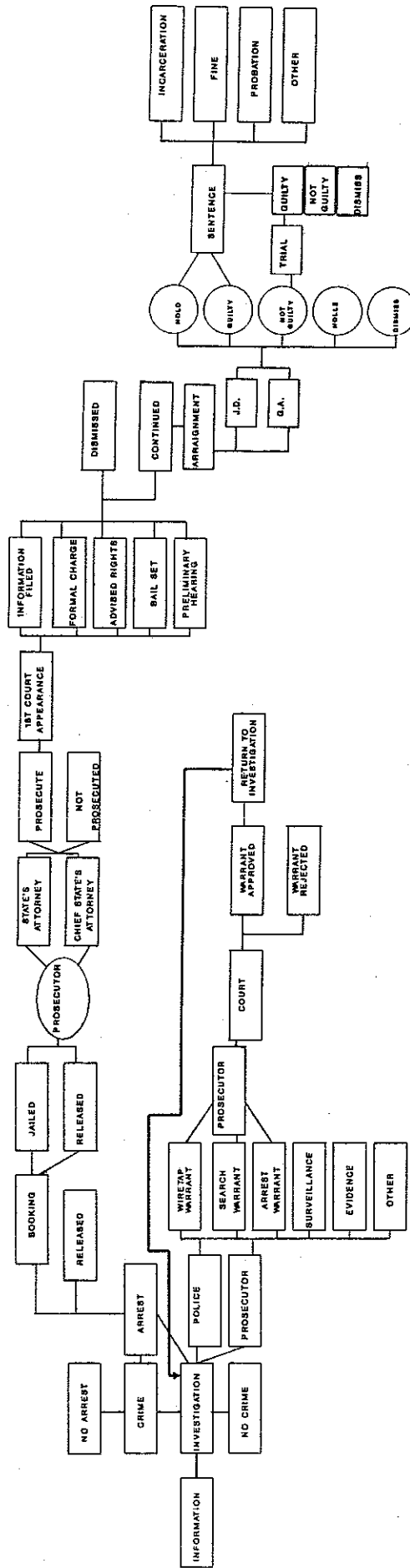
With respect to law enforcement participants, of the 169 municipalities in Connecticut, 84 have their own organized police departments, 49 have contracted with the state police to be served by resident state troopers, and the remaining 36 are covered by the pertinent state police units in their areas. Thus, in the majority of municipalities, local law enforcement agencies perform most of the required criminal investigatory work within their boundaries, requesting assistance from the state police when needed.

With respect to prosecutors, the judicial districts into which the criminal jurisdiction of the state is divided, and to which state's attorneys are appointed, can contain towns with all three types of police coverage. Conversely, any given state police troop district can cross over judicial district lines.

Finally, there are many different sources of authority that govern the actions of all the participants at the various stages. These include: case law; statutes and regulations; agency policy and procedures; and professional codes of ethics for lawyers and judges.

Simply put, the investigation and prosecution of crime occurs within a complex system. It was within this system that a longtime state police informant, Thomas Speers, was prosecuted for bookmaking. The next chapter provides a chronology of the Speers case and related historical background.

FIGURE 11-1. CRIMINAL JUSTICE SYSTEM FLOWCHART



SOURCE: LPR&IC

CHAPTER III

CHRONOLOGY OF THE SPEERS CASE AND HISTORICAL BACKGROUND

As noted in the introduction, the program review committee's investigation was prompted by events surrounding the two-year gambling investigation and prosecution of Thomas Speers, a longtime state police informant. Based upon the committee's public hearing testimony alone, it is clear that the investigation and prosecution of Mr. Speers cannot be considered in a vacuum, without an awareness of other events that preceded it and occurred concurrently. Indeed, the time frame for what might be referred to as "the circumstances surrounding the investigation and prosecution of Thomas Speers for gambling" had not ended during the committee investigation, precisely because of the investigation.

This chapter presents a general chronology of the Speers case and some historical background. Pertinent parts of the chronology, in more detail, are provided in the findings section in Chapter VII.

Historical Background

It is clearly a matter of judgment at what point one decides to begin sketching the historical backdrop of the program review committee's investigation and what incidents one chooses to use. To the extent that the Speers case is affected by the fact that the defendant, Thomas Speers, had been a state police informant continually since 1970, and a SOCITF informant since its inception in 1973, the length and circumstances of his career as an informant are important. Information about that is found in section 2 of Chapter VII.

With respect to issues related to relationships between agencies, absent going back to the first day of each agency, it seems clear that events began occurring in 1984 that created unsettled conditions that perhaps exacerbated the activities surrounding the Speers case. The following is a catalogue of some of these events.

Preceding events. In November 1984, the constitutional amendment creating a criminal justice division in the executive branch was approved, with all the prosecutors, including the chief state's attorney (eventually), to be appointed by a gubernatorially appointed commission appointed strictly for that purpose. Previously, for over 200 years, judges appointed the prosecutors.

In 1984 and 1985, Waterbury Assistant State's Attorney Arthur McDonald was the subject of an investigation and prosecution for bribe receiving. The case was a source of charges of mishandling exchanged between police and prosecutors.

Portions of the first Torrington Grand Jury report issued by Judge John D. Brennan in 1984 were made public on December 10, 1984, parts of which were critical of the state police. The particular state police unit involved was SOCITF. The publication of portions of Judge Brennan's grand jury report apparently began the very public commentary that evidenced strained relations between then Chief State's Attorney Austin McGuigan and at least certain members of the Connecticut State Police.

One of the topics of the Torrington grand jury report, the gathering, preservation, and disclosure of certain intelligence information on Judge John Speziale, led to legislative oversight hearings conducted by the Joint Committee on the Judiciary and a select committee established by the legislature in 1985. The specially created select committee in particular looked at issues of coordination between various components of the criminal justice system, an issue that two years later the program review committee looked at again.

In June 1985, Austin McGuigan was not reappointed as chief state's attorney. Ansonia-Milford State's Attorney John J. Kelly was appointed to the position a month later.

During the 1986 legislative session, preemption, primacy, and appellate provisions passed without, according to several state's attorney, their prior knowledge. During the 1987 legislative session, the Criminal Justice Commission preemption review process passed.

Concurrent activity. During the program review committee's investigation, other related activities occurred. The so-called Curran grand jury, appointed in May 1987 to investigate the circumstances related to the recusal of Judge Anne Dranginis from the Speers prosecution, completed its work in January 1988.

On March 19, 1988, Attorney Timothy Moynahan was arrested based on his conversation with Judge Dranginis on March 19, 1987, the subject of the Curran grand jury. After some controversy, including a Superior Court judge ordering the Criminal Justice Commission to appoint a special prosecutor or appear before him to explain why they could not, Chief State's Attorney Kelly appointed private attorney Bernard Green to take over the prosecution of Moynahan's case. Moynahan was granted accelerated rehabilitation.

The Statewide Grievance Committee stated that it did not have the jurisdiction to consider an ethics complaint against Attorney Moynahan based on his conversation with Judge Dranginis.

On June 22, 1988, State's Attorney John Connelly was reappointed for another eight-year term. State's Attorney John Bailey was also reappointed. For the first time, on the instructions of the Criminal Justice Commission, Chief State's Attorney Kelly prepared written evaluations for both prosecutors.

Chronology

Before getting into the chronology of the Thomas Speers case, a few points should be made at the outset to put the case in perspective.

Despite the controversy surrounding the Speers case, Mr. Speers was in fact arrested on gambling charges based on wiretap information, convicted, and sentenced to four years suspended after nine months. He is appealing his conviction. During preliminary trial proceedings, in the summer of 1987, State's Attorney Connelly offered Mr. Speers a suspended sentence in exchange for a guilty plea, which Mr. Speers turned down.

Throughout the entire prosecution of Mr. Speers, the office of Waterbury State's Attorney John Connelly represented the state. Deputy Chief State's Attorney Domenick Galluzzo from the Office of the Chief State's Attorney did make an appearance during a preliminary trial hearing on the issue of witness immunity, the grounds for which remain unclear, but the chief state's attorney never used the so-called "preemption" provision and took over representation of the state in the Speers case in the place of Mr. Connelly.

Despite the above, there were clearly a series of out of the ordinary events that raise questions about certain aspects of the criminal justice system.

In late 1984 and early 1985, Waterbury Police Lt. Thomas Brown approached Waterbury State's Attorney John Connelly on several occasions to have a wiretap placed on the phone of an individual Brown believed was involved in gambling in Waterbury. Under state wiretap law, the chief state's attorney and the state's attorneys are authorized to apply to a three-judge wiretap panel for wiretaps to provide evidence about certain crimes, including gambling.

The source of Lt. Brown's information was a confidential informant named Robert "Gus" Fennessy. The individual who was to be the target of the wiretap was a long-time state police Statewide Organized Crime Investigative Task Force informant, Thomas Speers. Speers was in fact the first informant registered by SOCITF when the task force was created in 1973.

During that time, there was much discussion among various parties about the advisability of a wiretap. Then Sergeant Bruce Haines of SOCITF refused to participate in the matter, citing his suspicions of a vindictive motive on Lt. Brown's part. Haines

believed that Lt. Brown had a financial relationship with an individual from whom Speers allegedly collected a gambling debt, thereby harming Brown financially. Over the years, Haines was Speers' primary SOCITF contact.

First secretly taped conversation. On March 5, 1985, State's Attorney Connelly spoke to State Police Commander Lester Forst on the phone about the case, informing him that the target of the investigation was Speers. Forst said that he would confer with Haines and have Haines call Connelly. At 4:30 p.m., Haines and State Police Sgt. Jack Dolan went to Connelly's office. Connelly directed one of his inspectors, Joseph Lawlor, to call Lt. Brown and have him come to the office.

Connelly, Lawlor, Haines, and Dolan began discussing the Speers' case; Haines secretly recorded the meeting. About a half hour later, Lt. Brown arrived. He and Haines argued about the case; Haines asked for taped conversations of Brown's informant placing bets with Speers before he would participate in the investigation. Such tapes were provided to Haines shortly thereafter.

On March 19, 1985, a wiretap was applied for and approved for Speers' phone for the period of March 19 to April 2, 1985. Lt. Brown's informant information was used in the wiretap application. The wiretap was operated by personnel from SOCITF.

On May 2, 1985, based on the wiretap evidence, Speers was arrested on a warrant for three counts of professional gambling and three counts of illegal use of a telephone. Both offenses are misdemeanors. Later that month, a substitute charge was made on a persistent offender basis, founded on Speers' 1976 professional gambling conviction. Under the persistent offender statute, the misdemeanor gambling offenses now became felony charges. On May 13, 1985, SOCITF Detective Ronald Kamens arrested Fennessy for a liquor violation.

In August 1985, at a pretrial proceeding for Speers, State's Attorney Connelly indicated that he would recommend a sentence of 18 months incarceration. The next pretrial date was set for January 15, 1986.

Fennessy interview. On September 19, 1985, Speers called Sgt. Haines at SOCITF, and told him that Gus Fennessy, Lt. Brown's informant, wanted to make a statement denying that he had ever been used as a confidential informant by Lt. Brown prior to the Speers' case, contrary to what was stated in the wiretap application. Haines said he would talk to him. Speers drove Fennessy to a parking lot on the perimeter of the state police complex in Meriden. Fennessy was taken to SOCITF headquarters and was interviewed by SOCITF detectives. A written statement was drawn up, but never signed by Fennessy. During the interview, Fennessy denied ever providing information to Lt. Brown before.

A few days after the interview, Sgt. Haines informed Chief State's Attorney Kelly of the interview. Chief State's Attorney Kelly did not inform State's Attorney Connelly, who was prosecuting Speers, of the interview until four months later.

In October 1985, Chief State's Attorney Kelly applied for a grand jury to look into corruption in Waterbury. One allegation to be investigated was that Speers' wiretap application contained false statements by Lt. Brown regarding the past use of Fennessy as an informant.

In January 1986, before a regularly scheduled state's attorneys' meeting at the chief state's attorney's office, Kelly informed Connelly about Fennessy's September 1985 interview with SOCITF. The next day, Connelly provided Speers' attorney, Timothy Moynahan, with a copy of the Fennessy transcript as possible exculpatory information.

Second secretly taped conversation. On January 17, 1986, Connelly met with Haines and SOCITF Detective Ronald Kamens to discuss allegedly negative statements made by Connelly involving Haines. Haines secretly taped the conversation, a fact disclosed publicly during Haines' testimony during the Speers case in August 1987. In February 1986, Speers filed a motion to suppress the wiretap evidence.

From February 1986 to the beginning of 1987, much of the activity in the Speers case involved defense motions for exculpatory information gathered by the Waterbury grand jury (which had commenced in October 1985) and the judge ordering Connelly to review the grand jury records for any such exculpatory information. During this court ordered review, at the end of 1986, Connelly learned that his March 4, 1985, meeting with Haines and others had been recorded by Haines. The grand jury's work did not conclude until April 1987.

In December 1986, as a result of the grand jury, Waterbury Lt. Brown was arrested on three counts of perjury and one count of fabrication of physical evidence. On January 24, 1989, his case was dismissed.

Judge Dranginis' involvement. During the last two weeks of February 1987, Judge Anne Dranginis was assigned as presiding criminal judge in the Waterbury Judicial District for the term beginning March 1. Judge Dranginis arranged with Attorney Moynahan, Speers' attorney, to set March 19, 1987, as a pretrial date for the Speers case.

On February 26, Thomas Speers telephoned Frederick "Fritz" Zivic, Judge Dranginis' husband, in an alleged attempt to place a bet. The next day, February 27, Speers called Haines and said he had information about corruption in Litchfield; Speers said he would send a letter.

Anonymous letter. On March 3, 1987, an anonymous letter postmarked March 2 was received at SOCITF headquarters, stating the writer had been referred by Zivic to place a bet. Haines called Commissioner Forst's office to inform him of the letter. On the afternoon of March 4, a meeting was called at SOCITF headquarters to discuss the letter.

Present were: Chief State's Attorney Kelly, Public Safety Commissioner Forst, Police Legal Advisor Robert Meyers, Captain John Jacewicz, head of the commissioner's staff, SOCITF Commander Lt. Haines, Chief Inspector Gerard Nuber of the Chief State's Attorney's Office, and State Police Detectives Paul Reid and James White. The anonymous letter was discussed, and a decision was reached to investigate the allegation, using Speers. After the meeting, Haines called Speers, discussed the letter, and arranged to meet him later that day.

Later that afternoon, Lt. Haines and Chief Inspector Nuber met Speers in a cafe parking lot in Wolcott. He told them that he had placed bets with a person named Butch Seitz, whom he had been referred to by Fritz Zivic, who Speers had telephoned at Zivic's restaurant. Speers said that he had placed two bets with Seitz and had arranged to meet with him on March 4 to collect his winnings. Speers agreed to let his telephone call to Seitz be tape recorded, which was done. In the phone call, Speers and Seitz agreed to meet later on that night. Haines, Nuber, and Speers then went their separate ways.

Haines and Nuber met Speers at a diner before the planned meeting with Seitz, as they had arranged. Speers told them that an unidentified male had just called his home and said "Tommy, leave the kid alone, and stay out of Torrington." Speers figured that someone had gotten suspicious because he had said he lived in Harwinton, but had given them a Wolcott phone number.

Speers then telephoned Seitz; in that phone conversation, which was recorded by Haines, the meeting was cancelled. No further action was taken by the state police or the chief state's attorney's office with Speers to see if Seitz would accept a bet from Speers. No one from the state police or the chief state's attorney's office informed Judge Dranginis or anyone in the Judicial Department of the investigation. State's Attorney Connelly was not informed of the investigation at this time. On two occasions at the end of March, undercover officers visited the Toll Gate Inn.

On March 19, 1987, prior to the scheduled pretrial in the Speers case, Judge Dranginis, Connelly, and Moynahan discussed in the judge's chambers issues related to the wiretap application. Attorney Moynahan asked to speak privately to Dranginis, and Connelly left the chambers. According to a sworn statement made

subsequently by Judge Dranginis, Moynahan told her, among other items, that Speers had a tape of her husband, Fritz Zivic, making a bet that Speers would make public if she did not rule in his favor on the motion to suppress.

Attorney Moynahan did not make a public statement regarding the discussion with Judge Dranginis until the program review committee hearing on February 5, 1988. He concurred he had a discussion about a possible state police investigation, but disagreed with Judge Dranginis about the timing, tone, and certain content of the conversation.

According to Judge Dranginis, immediately after the March 19 conversation, Judge Dranginis returned to court. A new pretrial hearing was set for April 1, 1987. On March 24, 1987, Judge Dranginis summoned all the parties to court and read a prepared statement removing herself from the case with no explanation.

The next day, March 25, Judge Dranginis informed Connelly of her meeting with Moynahan; Connelly requested that she give a sworn statement before any action could be taken, which she did on April 3. Fritz Zivic and Butch Seitz were also interviewed by the State's Attorney's offices.

On Saturday, April 4, Connelly and his staff prepared a search warrant for Speers' house, which was executed that evening. No taped conversations between Speers and Zivic were found. The next day, Sunday, for the first time, Connelly learned from an unnamed state police officer that Nuber and Haines had taped Speers talking to Seitz, and that the chief state's attorney's office was involved in the investigation.

On April 7, Connelly and Waterbury Inspector Lawlor met at Kelly's office with Kelly and Nuber. Kelly was shown the Dranginis statement, and then informed Connelly of the Zivic investigation. Connelly also sent a letter to Commissioner Forst informing him of Connelly's investigation into the Dranginis refusal.

State police press release. On April 9, the state police issued a news release detailing their actions with respect to the Zivic allegation. The release concluded that "it does not appear that there is sufficient evidence to make any arrests."

In May, a grand jury was appointed upon State's Attorney Connelly's application to investigate the reasons surrounding Judge Dranginis' withdrawal. A June 16, 1987, Hartford Courant article disclosed publicly that Haines had secretly taped the March 4, 1985, meeting with Connelly. The disclosure prompted a letter from all 12 state's attorneys to Governor O'Neill decrying that action by a state police officer, and questioned Kelly's

ability to administer effectively the criminal justice division, based on his response to the disclosure. The Governor referred the letter to James Murphy, chairman of the Criminal Justice Commission.

In a memorandum of understanding signed on July 9, 1987, by Kelly and Forst, an operating procedure was established to handle the subject of state police taping of conversations when a prosecutor is present. On July 10, Lt. Haines testified at the Speers motion to suppress hearing that he had also taped a meeting with Connelly on January 17, 1986.

Immunity issue. On July 23, 1987, Assistant State's Attorney Domenick Galluzzo of the chief state's attorney's office appeared at Speers' trial regarding the issue of immunity. After some apparent disagreement between State's Attorney Connelly and the chief state's attorney, the issue was resolved the next day. Connelly offered Speers a suspended sentence and a fine in exchange for a guilty plea. Speers refused the offer.

Judge Flynn's ruling on the wiretap evidence. On July 31, 1987, Judge Joseph P. Flynn held that the wiretap information was admissible, that Speers had failed to show by the required proof that Lt. Brown made false statements in the affidavit, and rejected the motion to dismiss.

In early August, as the Speers case was scheduled to select a jury, Speers pled no contest to the gambling charges. Prior to sentencing, on Friday, August 28, 1987, Speers filed with the court a motion for consideration, which included letters from Lt. Haines and retired detective Robert Keller relating Speers' contribution to SOCITF over the years.

On Monday, August 31, Speers filed another memo with the court detailing his relationship with the state police. Speers was sentenced on September 4, to four years suspended after nine months, four years probation, a \$5000 fine, 100 hours of community service, and a prohibition against legalized gambling. On September 16, 1987, Speers filed an appeal, which is pending.

CHAPTER IV

STATE POLICE USE OF INFORMANTS

This chapter provides background on the use of informants by state police and the Statewide Organized Crime Investigative Task Force. General information about the state police division is also provided.

General Information on the State Police

Since January 1, 1979, the Connecticut State Police, formerly a separate department, has operated as the major division within the Department of Public Safety. Generally, the purpose of the Department of Public Safety is to provide a "coordinated, integrated program for the protection of life and property."

By statute, the public safety commissioner is also the administrative head and commanding officer of the state police division; the commissioner may delegate jurisdiction over the state police division to a deputy commissioner. The commissioner, and a deputy commissioner to whom jurisdiction is delegated, have all the powers and privileges conferred by statute upon a state police officer.

Upon its own initiative or at the request of any person, the division of state police is required by statute to assist in, or assume, the investigation, detection, and prosecution of any criminal matter or alleged violation of the law, "whenever practical." Also, the state police, as well as local police and other law enforcement and criminal justice agencies, are required by statute to cooperate with the Division of Criminal Justice, comprised of the chief state's attorney and the various state's attorneys, and provide such information and assign such personnel as may be required. All state police officers have, in any part of the state, the same powers regarding criminal matters and law enforcement as any local police have in their respective jurisdictions.

The public safety commissioner has certain specified duties by law. The commissioner:

- o may appoint state police to serve as resident state police in towns lacking organized police departments and which have entered into an agreement and contract for the services with the commissioner; and
- o shall establish, within budgetary allowances, such bureaus and units as deemed necessary for the effective operation of the division.

In addition, the commissioner is required to establish the following certain-named specialized units:

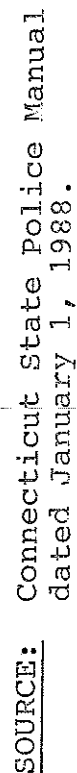
- o a criminal intelligence division;
- o a statewide organized crime investigative task force;
- o a statewide narcotics task force;
- o a patrol force to perform motor patrol work exclusively;
- o a sex crimes analysis unit to perform statutorily specified duties;
- o a forensic science laboratory to perform statutorily specified duties and services;
- o a legalized gambling investigative unit to work in conjunction with the special police in the Division of Special Revenue; and
- o a bureau of identification for the purposes of providing an authentic record of persons 16 years or older charged with a crime of moral turpitude.

The public safety commissioner may provide the services of special police to various outside agencies. These special police may be assigned to handle, among other areas, state property, war industry premises, public assistance fraud, or work with the Department of Revenue Services or the Division of Special Revenue.

Organization. Currently, the Division of State Police is organized as depicted in Figure III-1. The criminal investigative work performed by the state police primarily occurs in two areas: the criminal investigations sections located within each of the three geographical districts, and the units within the Special Investigations Bureau (SIB). A distinction may be made between the two areas: the criminal investigations sections in the districts primarily react to crimes that have occurred, whereas the special investigations units have a proactive investigative focus.

Field districts. The state police have three field districts: the Western District, the Central District, and the Eastern District, with a criminal investigations section located within each district. The field districts generally investigate crimes such as homicide, assault, bank robbery, rape, kidnapping, arson, burglary, and larceny. The districts provide primary police assistance to towns without organized police forces as well as assist other law enforcement organizations upon request.

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF STATE POLICE
TABLE OF ORGANIZATION



Within each criminal investigations section is a major crime squad and an investigations unit. The major crime squads are responsible for processing major crime scenes; collection, preservation, and identification of evidence located at the scenes; and investigative responsibility in major cases.

Each of the three districts has a separate headquarters facility and subordinate troop barracks. The Eastern District consists of Troop C (Stafford Springs); Troop D (Danielson); Troop K (Colchester); and Troop E (Montville). The Central District consists of Troop H (Hartford); Troop I (Bethany); Troop F (Westbrook); and Troop W (Bradley International Airport). The Western District consists of Troop A (Southbury); Troop B (North Canaan); Troop G (Westport); and Troop L (Litchfield).

Special investigations. The Special Investigations Bureau consists of the following sections: Statewide Organized Crime Investigative Task Force; Statewide Narcotics Task Force; Criminal Intelligence; Central Intelligence; Auto Theft; Legalized Gambling; Welfare Fraud; Missing Children; Special Services; Weapons; and Governor's Warrants.

Use of Informants by Connecticut State Police

Definition and purpose of informants. Police have many sources of information concerning possible criminal activity, including victims and witnesses, personal observation, physical evidence, documents and records, and informants.

According to former FBI Director William Webster, "[t]he informant is the single most important tool in law enforcement." Director Webster has a very broad definition of informant, including the "professional criminal informant who is paid for information, promised confidentiality and not required to testify" as well as the "good citizen who gives...information out of a laudable sense of duty." In this investigation, the committee adopted a common definition of an informant:

- o an undisclosed person who confidentially volunteers material information of law violations to police officers; and,
- o in most cases, provides information on more than one occasion and in return for some type of consideration or payment.

Therefore, persons who provide information only after being sought out and interviewed by police officers or as witnesses are not informants. If an informant testifies, he loses his status as an informant. Obviously, informants are very reluctant to

testify, thereby revealing their informant activities. Prosecutors also dislike using informants as witnesses primarily because most of them have criminal histories that tend to diminish their credibility.

Informants have proved to be an invaluable tool in law enforcement. Often, informants provide information that gives police the direction needed to successfully complete an investigation. Informant information may be used as the factual basis of the legal standard of "probable cause" needed to secure court ordered warrants for wiretaps, searches, and arrests.

Undercover officers use informant introductions to suspected criminals as a way to involve themselves in the criminal activity. Informants further prove useful by alerting the police to the existence of ongoing and completed criminal activity. Informants involved in criminal activity or on its fringes may provide the most detailed information, once it is proved to be reliable through investigation.

History. Informants were used by the earliest of police services when citizen volunteers were responsible for keeping the peace. The volunteer police needed assistance in their duties. It was every citizen's duty to sound the alarm when a crime was observed in progress or had been committed and to give crime-related information to the police.

In the early nineteenth century, an English law called "approvement" was enacted. The approvement may be one of the first written laws on the use of informants. Persons already detained in jails were sought out to provide information and encouraged to turn Crown evidence. These persons became known as approvers. The law was intended to quickly secure convictions and expedite the jailing process of criminals that were difficult to control.

The approvement was plagued by obvious abuses. The bad information coming from inside the jails only worsened the problems it was meant to correct. Persons began to lie for their own advantage which, in some cases, resulted in innocent people receiving long jail sentences or going to the gallows because of the false statements of approvers. The approvement gave a prisoner two choices: either a long jail sentence or death at the gallows or contrive a believable story about criminal associates. The latter choice was seen as the more desirable.

In the late nineteenth and early twentieth centuries, police in the United States relied less on informants and began to initially identify particular suspects in criminal investigations. Cases were built by obtaining witnesses' testimony, confessions from suspects, or actual observation of suspects committing crimes. Informants, or stool pigeons as they were called, were not held in high regard by citizens or police.

Informants were not as widely used because of the vast number of immigrants arriving in American cities. The police officers were mostly white and English speaking. The immigrants avoided the police and remained silent about the criminal activities in their neighborhoods due to their past histories of oppression that created a high level of distrust for law enforcement. Different languages spoken made it difficult for the police to communicate and develop relationships with the new citizens, and the clash of the old country ways with the new American ways made it difficult to share information.

In the early twentieth century, the concentration in law enforcement remained away from the use of informants, but shifted with new technology. Police increased the use of physical evidence in solving crimes. Collecting physical evidence became the most essential part of an investigation. Police officers focused on specific crimes rather than suspects.

The use of informants has re-emerged as an accepted and necessary tool in law enforcement. Today's criminal and the crimes they commit are more sophisticated. Criminal organizations, white collar crimes, and crimes involving technology have required law enforcement to alter its investigative techniques. Informants have proved to be useful in the investigation of today's crimes.

Use of informants in Connecticut. Because the use of an informer is an activity that must occur in secret it becomes problematic. The potential for abuse is great. Control over informer use and the verification of informer's information is a serious concern.

In Connecticut, as in most if not all states, the law regulating the use of informants is primarily in the form of judicial cases determining issues about how informant information may be used to provide the factual basis for the legal standard of "probable cause" to allow for searches, wiretaps, and arrests. The cases generally provide that the information included in an affidavit accompanying a warrant must be in sufficient detail and form to allow an "independent objective magistrate" (a judge) to independently determine that the informant is credible and the informant's information reliable.

In practice, on any affidavit prepared by a police officer involving an informant, a judge must be given some information about the informant's "basis of knowledge," which means that the police officer knows how the informant learned of the information he provided. The credibility statement lists the number of times the informant has provided reliable and accurate information in the past, and the number of arrests and convictions resulting from that information. Establishing the credibility of a previously unknown informant is done generally through an admission of that informant's own involvement in the criminal activity and corroboration of the admission.

In Connecticut, there are no statutory provisions regarding the use of informants, except that under the state's freedom of information law, the disclosure "of the identity of an informant not otherwise known" is one of the grounds for permitting certain law enforcement records to be maintained confidentially.

Thus, the main burden of using informants in a controlled, appropriate manner falls on the law enforcement agencies that use them. Prior to January 1988, the state police did not have a departmentwide informant policy, except for brief references in an operations manual to the use of informants in narcotics investigations and case preparation funds for paying informants. The troopers dealing with informants were guided by their specific unit's informant policy and their own experience.

Informants are used for the most part by the State Police Special Investigation Bureau, comprised of several specialized units, primarily because of the types of crimes the SIB units deal with: crimes against public policy, such as gambling and narcotics sales, where there is not likely to be a victim to come forward with evidence of the crime. Because of this, the special investigations units have a proactive investigative focus, different from other state police criminal units that react to crimes.

The former SIB unit informant guidelines, which varied greatly from unit to unit in detail and substance, are summarized in Appendix A.

Divisionwide informant policy. Since January 1988, a divisionwide manual called the Administrative and Operations Manual provides written policies on a divisionwide basis on topics ranging from personal appearance to criminal investigations procedures. Many of the procedures in the new manual originated as a collection of dated orders and notices addressing specific areas of concern, which were updated if needed. The manual replaces at least six different sources of orders, bulletins, and rules and regulations.

Work on the manual began primarily in an effort to become accredited by the Commission on Accreditation for the Law Enforcement Agencies, Inc. (CALEA). The manual produced in January 1988 addresses the use of informants in the criminal investigation and criminal procedure chapters.

According to the manual, each unit and troop using informants must establish an informant file. The files are to contain biographical data, criminal history records, payment records, information received from the informant, informant involvement in operations, and any other information deemed important by the commanding officers. The files are to be maintained in a locked location and available only to commanding officers.

The manual briefly describes the informant cards used in the informant files and the numbering system of informants. Each informant is assigned a number that specifies a troop or unit designation. The manual also includes a section outlining the procedure for using informants in contraband buys, which is specifically directed to narcotics investigations.

According to the manual, the following are general rules for the use of informants:

- o informants are always to be referred to in case reports by their assigned numbers;
- o all informants are to be interviewed by an "investigator/supervisor" before being introduced to an undercover trooper, and at least two troopers will be present at such an introduction;
- o informants are to be introduced to a minimum number of troopers;
- o informants will not be given complete names of undercover troopers, home telephone numbers or addresses, and all contacts will be made through department telephones, although when it is "clearly warranted" exceptions may be made;
- o troopers may not socialize with any "violation informant or informant that is not known of good character", and associations with informants will be kept to a minimum and only when necessary for effective police procedures; and
- o whenever possible, informants are not to report to any state police facility.

Informants are also mentioned in the criminal procedures chapter of the manual. This chapter outlines the use of informant information in an affidavit to obtain warrants for wiretaps, searches, and arrests.

At the same time the new administrative and procedures manual was being released in January 1988, the Connecticut state police also released a separate written departmentwide policy on the use of informants. This policy, which started to be drafted in September 1987, was apparently intended to be part of the new manual, in addition to the provisions described above.

The newly created departmentwide informant policy was drafted in-house by a committee of high-ranking officers, line officers, and the state police legal advisor, all appointed by Commissioner

Forst. According to the state police, the committee referred to the policies of the Federal Bureau of Investigation, other states and municipal departments.

The department then solicited views on the draft policy from several civilian advisors, including the chief state's attorney, a local police chief, defense attorneys, a businessman, and representatives of the electronic and print media. The civilian advisors and the state police committee held two meetings that resulted in further amendments. The final policy was adopted on January 29, 1988.

The informant policy was drafted into general order 88-01 during the summer of 1988. It was sent to all units and troops to be included in their general order manuals, a supplement to the Administrative and Operations Manual. In keeping with the department's stated policy of reviewing and revising the administrative manual twice a year, the informant policy is being drafted into manual form. According to the state police, the policy is currently being amended to include checks and balances for supervisory officers to ensure the policy is followed.

Content of new informant policy. The 1988 informant policy primarily addresses the use of informants who provide information on more than one occasion and who provide information in return for compensation or consideration. The policy speaks to five issue areas in the use of informants:

1. the need for informants;
2. control of informants;
3. criminal conduct by informants;
4. consequences of misconduct; and
5. consideration given to informants.

The policy released on January 28, 1988, is contained in Appendix B. The following highlights key points in the policy.

Need for informants. Declaring that relationships with informants are essential in law enforcement, the policy points out that police officers are required to deal with the risks that are connected to such relationships. The policy states that "those risks must be continuously and vigilantly managed in order to minimize the variety of adverse consequences which might otherwise arise."

Control of informants. In this section the policy stresses monitoring and controlling an informant, and that an informant's motivation for providing information must be understood. Identifying the motivation enables police officers to determine

the type of misconduct the informant may be involved in and the risks in dealing with that informant.

There are as many different motivations as there are informants, but some patterns have emerged. The policy lists possible motivations including:

- o consideration or compensation, such as money or leniency in a pending prosecution;
- o incarceration of another for personal reasons;
- o removal of a competitor; or
- o manipulation of law enforcement by attempting to divert an investigation away from themselves or attempting to identify an undercover officer or learn the status of an investigation.

The informant policy discusses several procedures to control an informant, although it does not identify them specifically as rules to be followed. From the policy, the program review committee identified the following as rules for a police officer to follow:

- o exercise tight control over the relationship with and the conduct of informants at all times;
- o gather a substantial amount of identification information from the prospective informants and independently verify that information, e.g., complete criminal record; pending prosecutions and investigations involving the informant; mental illness history; history of law enforcement contacts; and alcohol and drug use;
- o obtain a record of the informant's physical description, including photograph and a set of fingerprints, and "in cases where there is reason to doubt the truthfulness of an informant's information or to question the sincerity of his expressed motivation, it may be appropriate to require a sworn written statement from him;"
- o establish and communicate "clear and unmistakable rules" regarding informant conduct to the informant. These rules shall be periodically reinforced and amended, if necessary, by the trooper;

- o make clear that the trooper is in charge at all times and the informant must obey the following instructions: 1) immediately report all relevant facts; 2) fabricate nothing; 3) withhold nothing; 4) do not shade the truth; 5) reports will be made only by the "previously prescribed method"; 6) perform only those acts previously approved by the trooper and only at the time and in the manner approved; 7) no self-initiated investigative activity; 8) immediately inform the trooper of any other contact with another law enforcement officer; 9) do not reveal status as informant to anyone; and 10) do not reveal the identity of a trooper, the existence, nature or content of any investigation, or the methods or techniques used by law enforcement unless ordered to do so by a judge; and
- o in cases where it is beneficial that the informant use a radio transmitting device and/or tape recorder, the valid, voluntary consent, either written or witnessed by two troopers, of the informant must be obtained.

Criminal conduct by informants. The policy states that troopers must stress the fact that no informant is immune from arrest or prosecution and any criminal conduct engaged in may result in arrest. An informant cannot escape arrest or prosecution based on the importance of information provided, the number of occasions the informant has provided information, or based on the magnitude of the investigation in which the informant participated.

The policy recognizes that there will be occasions when an informant will engage in criminal activity. Sometimes circumstances and the negative result of an informant's failure to comply with the suspected criminal will dictate that an informant be present at the scene of a crime or participate in a crime. It is, therefore, essential, according to the policy, that the informant clearly understand the obligation to report, by a "prearranged method," all criminal activity witnessed or engaged in as soon as possible.

Troopers must consult with and obtain the authorization from supervisory officers before approving criminal activity by an informant. The trooper does have discretion to authorize participation by the informant in criminal activity, if the situation warrants a quick decision. In such cases, the supervisory officer must be notified as soon as possible. The supervisory officers are to consult with the prosecutors in the location of the criminal activity for guidance in unusual cases.

Under the policy, the authorized criminal activity is limited in scope to the precise terms, dates, times, and locations which the trooper must make clear to the informant. The scope cannot be increased, and the activity cannot be repeated.

Any available safeguards are to be employed to prevent misconduct by an informant and to minimize the adverse consequences of the misconduct. The policy states that:

- o the informant's motivation should be constantly evaluated;
- o troopers must be vigilant to detect any misconduct or the fabrication of evidence by an informant, and "extra care should be exercised in this regard whenever the trooper recognizes that the informant feels desperate to produce results for any reason;"
- o the background and lifestyle information provided by an informant should be independently verified;
- o the age, maturity, life experience, mental status, and emotional status of an informant should be kept in mind;
- o informant conduct that legally constitutes entrapment is not authorized--questions relating to conduct that may constitute entrapment may be referred to the appropriate state's attorney; and
- o informants should be exposed to undercover officers only when absolutely necessary and to a minimum number of undercover officers.

Consequences of misconduct. Under the policy, the trooper has the responsibility of making clear to the informant all rules in the policy and any additional rules pertaining to the conduct of that informant. The trooper must also see to it that the informant understands the consequences of any misconduct.

The policy sets out several sanctions for informant conduct that violates the policy or additional rules set out by the trooper. The sanctions can be:

- o termination of informant status;
- o that the agreement of confidentiality of informant will no longer be binding;

- o that consideration delivered or performed will be retrieved to the extent possible;
- o that representations of future consideration will no longer be binding; and
- o misconduct will be investigated and appropriate prosecutions or civil actions will be sought.

Consideration given to informant. Under the state police policy, a clear agreement as to what will be done for the informant by the trooper must be reached. Troopers cannot make any promises to an informant that cannot be kept. Informants can expect to receive any one of the following considerations:

- o the informant's identity will be safeguarded, with only those troopers having a need to know and the trooper's superior being advised of the identity;
- o the informant's name, identification data, and assigned code will be entered in a unit's informant files, which are "physically secured" and only accessible to a unit commanding officer;
- o all contacts between informant and trooper are documented;
- o an informant's identity will be revealed to a third party, such as a prosecutor, to fulfill an agreement of consideration;
- o no absolute promises of anonymity will be made that cannot be fulfilled;
- o an investigation will attempt to be structured so that an informant will not be a material witness to criminal activity, however, the informant must be made aware that there is a possibility that he/she will be required to testify;
- o payment to informants will not be in the form of salary or retainer, and will only be made from those accounts properly designated. The amount of payment is based on the difficulty and danger in securing the information and the value of the information;
- o a trooper can truthfully relate to any person or forum the type of information provided by

an informant and the results of that information; the trooper must explain to the informant that he cannot nolle or dismiss charges, enter into plea negotiations, grant parole or probation, or modify a sentence; and

- o troopers cannot agree to terminate an investigation or not seek an arrest for uncharged criminal conduct by an informant without first obtaining the permission of a prosecutor.

ANALYSIS

The use of informants is an issue of concern in the fair operation of the state's criminal justice system, particularly in light of the number of criminal cases that are plea bargained, and thus the veracity and/or appropriateness of the informant use is not tested by the adversarial system. Also due to its secretive nature, the use of informants by police officers is open to misuse and corruption. Administrative and operational supervision must occur at various levels in the chain of command.

An informant policy cannot address every problem that might arise in the use of informants, but it should be comprehensive and usable. The policy must provide uniform guidance to a whole department or agency. It should be noted that other law enforcement jurisdictions in addition to the state police use informants, and thus any concerns about abuse and lack of control may be as applicable to those other jurisdictions as they are with respect to the state police.

The Commission on Accreditation for the Law Enforcement Agencies, Inc., a private accreditation organization, was "formed to develop an accreditation process that provides state and local law enforcement agencies an opportunity to demonstrate voluntarily that they meet an established set of law enforcement standards." The commission has a standards manual that addresses a wide range of topics from recruitment to court security, including criminal investigations and informants.

The standards for the use of informants require that a written informant policy for patrol officers and investigators be in effect. The manual states: "...procedures should be established to provide for this resource (informants) within a controlled system to avoid abuse and minimize adverse impact" and "access to (informant) information should be thought of as an organizational resource and not as an individual resource." A policy meeting these standards, according to CALEA, should have specific procedures for the following:

- o inclusion of informants in a master file;
- o specifying content, maintenance and security of the files;
- o developing contacts and maintaining confidentiality;
- o notification to supervisors;
- o payment guidelines; and
- o general precautions.

The Connecticut State Police applied for and were granted accreditation in 1988 by CALEA. However, the new state police informant policy does not meet the majority of the standards set by CALEA.

In the following analysis of the state police informant policy, reference will be made to Appendix C, which contains a compilation of several informant policies from other law enforcement agencies. Since the policies are similar, basic procedures and guidelines were extracted from each.

The new state police informant policy addressed the principles behind the use of informants, but does not provide in a usable format any rules and regulations. It stops short of making detailed operational and administrative decisions. When the policy could have addressed an issue by outlining the steps to be taken or rules to be followed, it covered the issue in broad and vague language.

For example, the policy states troopers should exercise "tight control" over an informant, but does not provide action steps or rules for controlling informants nor does it provide a way for superior officers to ensure that the trooper is in control.

Identification of motivation. One way to control an informant is to understand his or her motivation for assisting law enforcement. The new policy lists several possible motivations for a person becoming an informant and stresses that identifying the motivation is important. However, it provides no system for identifying motives.

Research of informant policies found an initiation stage is one step used to identify motivation and to take control of an informant from the beginning. For example, the FBI informant "suitability stage" allows an officer to investigate and assess an informant, rather than just the informant's information. The preliminary inquiry, recording of information about the informant on departmental forms, and authorization from various superior officers are checks on the officer and informant. They also

establish early on that the informant is being handled by a system rather than one police officer.

The state police informant policy requires that "clear and unmistakable rules" regarding informant conduct should be established. Several general rules are then listed, although the rules themselves do not provide direction. For example, the informant policy bows to the "previously prescribed methods" for the informant to report information. However, nowhere in the policy is a reporting method or procedure outlined.

The policy further states that the "clear and unmistakable rules" can be "amended" and "additional rules" enforced by troopers. Alterations or additions to the policy by those who are to be guided and supervised is a contradiction to the intent of the policy, which was to provide a set of rules and regulations.

Policies in other jurisdictions make it clear that rules and regulations regarding both police officer and informant conduct exist and strict adherence is required. Superior officer's administrative and operational supervision of the relationship is critical on this issue. The "Officer and Informant Relationship" section in Appendix C outlines the rules and regulations for officers of federal and major metropolitan law enforcement agencies.

Leaving operational and administrative decisions to the discretion of the troopers or units using informants results in fragmented and individual informant policies, which was the initial problem the new policy was designed to correct. The troops and units while following the new departmentwide informant policy can, and in some areas where the new policy fails to set standards, are required to develop and maintain their own individual policies.

Trooper supervision. One of the areas where the policy has failed to set a standard is in the supervision by commanding officers over informant relationships. The policy has ignored one of the reasons for its creation: to act as protection against and detection of questionable informant use, like that of Thomas Speers by the state police. However, the committee was informed by the state police during the investigation that a system of checks and balances was being developed to be included in the policy.

Research on informants has also shown that involvement up through the chain of command ensures supervision of the officer-informant relationship. Administrative procedures such as written authorization, requiring superior officers' signatures on operational and administrative forms, scheduled reviews of informant files by various levels of command, and final approval of all operational decisions by superior officers ensure the use of informants is a beneficial and effective departmental resource.

Participation in criminal activity. An important issue not adequately addressed by the state police informant policy is the informant's participation in criminal activities. Strict guidelines on the type of crimes, scope of activity and length of authorization for participation should be included in an informant policy.

The policies described in "Informant Participation in Crimes" section in Appendix C are very specific in this area. An express need to have an informant participate in crime must be shown and then authorized up through the chain of command. The officer must be extremely specific on the type of crimes, length of time participation will occur, and any other detailed information. The actual criminal activity must be reported in detail and contained in the informant's file.

Informants must not be allowed to dictate or determine the extent of their criminal activity, and must be willing to accept constraints on their activity. No informant is immune from arrest and prosecution simply because of his relationship with a police officer.

Authorizing an informant's participation in crime is a serious matter and the consequences of such an authorization must be considered. The FBI bases its authorization to participate in crime on the following:

the conduct is necessary to obtain information or evidence for paramount prosecutive purposes, to establish and maintain credibility or cover with persons associated with criminal activity under investigation, or to prevent or avoid the danger of death or serious bodily injury; and

this need outweighs the seriousness of the conduct involved.

Centralized files. The new state police policy does not establish a centralized informant filing system that is a core requirement for the successful use of informants. Investigation of criminal activities relies on information and the efficient collection and redistribution of that information. Informants are a source of information; therefore, it is essential that every phase of an informant relationship from initiation to termination have a recordkeeping activity.

A centralized informant file enables police to collect, analyze, collate, and disseminate information in much the same way as does a general intelligence and analysis unit. The centralized files can maintain the current status of informants under such categories as active, inactive and unsatisfactory.

Since an informant is a resource of a department and not a resource of an individual, the files can be an invaluable tool to

all investigators. Centralized files with complete information recorded in a uniform manner allows for easy retrieval, cross-referencing and analysis of the information.

A centralized system is also good administrative procedure. Standardized, departmental forms are a way to ensure all record-keeping is performed in a consistent manner. Forms provide a dual purpose by acting as checklists and instructions to ensure officers complete each step or procedure and to provide for a uniform recording system.

A centralized informant file provides for:

- o uniform and complete recording of all information and activities pertaining to the informant;
- o status classification of all informants;
- o maintenance of security and confidentiality of files;
- o analysis of information provided by informants for use in other investigations;
- o accounting for monies spent in the use of informants;
- o review and purging of files and information; and
- o supervision.

Based on the above analysis, the program review committee has made findings and recommendations about the new state police informant policy, which are presented in Chapter VII.

CHAPTER V

STATE POLICE STATEWIDE ORGANIZED CRIME INVESTIGATIONS TASK FORCE

The Division of Connecticut State Police employs 1,099 sworn officers and 534 civilians. Eight hundred twenty officers, or 75 percent, are assigned to patrol duty and criminal investigatory work in the field districts. Eighty-nine sworn officers, or 8 percent, operate in the special investigations units. Of these, 15 officers are currently assigned to SOCITF.

Relative to the many functions and duties of the state police, SOCITF represents a small part resource-wise of the Connecticut state police. SOCITF is, however, the unit of the state police charged with the execution and enforcement of laws controlling organized crime and racketeering. Also, the nature of its special investigations work leads to the use of informants on a more consistent and continuous basis than any other state police operation with the possible exception of the Statewide Narcotics Task Force.

History

During the 1973 session of the General Assembly, legislation to statutorily require the state police department to establish an organized crime investigative task force, regional crime squads, and an enforcement coordinating committee was enacted.

The purpose of the act was to provide coordinated efforts at state and local levels to control organized crime by the description of its activity and the investigation of public corruption. An experimental unit run on a regional basis provided the basis for the State Police Organized Crime Investigative Task Force.

The task force was to be responsible for reducing the influence of organized crime and racketeering in the state by the disruption of its activity and the investigation of public corruption. Prior to SOCITF's inception, the state police division was not mandated to operate an organized crime investigative unit but the criminal intelligence division did perform specialized investigations into the area.

A SOCITF advisory board was established by statute in 1973 to provide the state police commissioner and the head of SOCITF with guidance and advice about matters related to the organized crime problem in the state. The board, initially composed of nine members, was eventually reduced to four. Because the board had failed to meet regularly and had no major function or productive input in the operation of SOCITF, the statute requiring the existence of the advisory board was repealed in 1982.

Current Structure

The statute establishing the task force sets forth that SOCITF shall have the power and duty to conduct and coordinate investigations with respect to:

- o the faithful execution and effective enforcement of the laws of the state, with particular reference to those laws controlling organized crime and racketeering;
- o the conduct of public officers and public employees, and of officers and employees of public corporations and authorities; and
- o any matter concerning the public peace, public safety and public justice.

SOCITF has statewide jurisdiction in the performance of its duties. Under the statute, the director of SOCITF is to refer evidence of a crime or misconduct for prosecution to the Chief State's Attorney.

Staffing. The director of SOCITF may be either a civilian or police officer and is appointed by the commissioner of public safety. As of November 17, 1988, SOCITF was headed by a lieutenant, and was additionally staffed by two sergeants, twelve troopers, and two civilians performing administrative functions.

Operations

According to a 1977 SOCITF Standard Operating Procedures Manual, the operations of SOCITF are focused on major organized crime activities including, but not limited to, gambling, loansharking, the infiltration of legitimate business, racketeering, corruption, and narcotics trafficking. SOCITF attempts to cause a major disruption of organized crime activity and to increase the cost of doing business for organized crime syndicates and enterprises.

In causing major disruptions of organized crime activity, SOCITF expects the resulting instability to lead to changes in leadership; breakdowns in discipline, organization, and the efficiency of the operations; and a reduction in the scope and nature of activities open to organized crime infiltration and takeover.

By increasing the cost of doing business for organized crime syndicates and enterprises, the presently-profitable activities, which generate funds for other illegal or legal operations, are reduced. Organized crime may then resort to changes in operating

procedures or enterprises and experience increased disorganization. This tactic cripples the main goal of organized crime which is to make money.

To attain its goals, SOCITF utilizes investigative techniques such as informants, wiretaps, electronic recording devices, and covert and overt surveillances. The task force collects raw data received on organized crime and its participants from citizens, informants, other state police units, and other federal, state and municipal law enforcement agencies. The task force attempts to substantiate or disprove the data.

Reports on substantiated or unsubstantiated data are submitted to the state police intelligence unit for classification, processing, and dissemination. Certain types of intelligence remain a permanent part of the information system and the remaining intelligence is systematically purged from the files, based on a timetable.

Outputs

Prior to the inception of SOCITF, an Illegal Gambling Unit was operated by the state police. It was disbanded with the inception of SOCITF because the investigation of illegal gambling, as an activity controlled by organized crime, came within the purview of SOCITF.

In determining the type of organized crime activities investigated by SOCITF and its success as a unit, the program review committee obtained case information, arrest statistics, and judicial disposition information. The case information was used to determine the workload and output of SOCITF over a specified period of time, and to gauge the Judicial Department's response to and handling of SOCITF cases.

It is understood, of course, that the numbers of arrests by SOCITF is not the ultimate measure of success or workload, but one method commonly used to evaluate a unit or officer's productivity. Moreover, SOCITF has many functions that are difficult to quantify and are not included in the case information, such as intelligence gathering, assisting other units or law enforcement agencies, and investigative activities that do not result in any enforcement action.

The program review committee compiled a listing of all SOCITF arrests and dispositions for the time period 1985 through 1987. Arrest data were obtained from the commanding officer of SOCITF, and the committee entered into a written agreement with the Judicial Department that allowed staff access to dispositional data.

Arrest information obtained included defendant's date of birth, residence, SOCITF case number, arrest date, charges, incident area, arresting officer, and court location. All

dispositional information obtained included the status of the case, arraignment date, disposition date, continuance date if the case was pending, charges by statute number, plea, verdict, fine, sentence, judge and court location. Only dispositional information on the first two charges per defendant was included in the analysis because of limitations on the capacity for processing data.

Data were also obtained from a 1976 evaluation study of SOCITF by the Connecticut Justice Commission. The study covered the first years of SOCITF's operation from the fall of 1973 to the fall of 1975. The information in the report was used as a comparison to the present output of SOCITF.

After an arrest a case is referred for prosecution either in a Geographical Area (G.A.) Court (Part B court) or a J.D. Court (Part A court). Once referred to court, the cases are either prosecuted or dismissed.

Task force cases are required by statute to be referred for prosecution to the chief state's attorney's office. However, in compliance with the current chief state's attorney's procedure, SOCITF cases are routinely referred to the G.A. courts for the areas in which the arrests were made, and a small number of the cases subsequently have been referred to the Part A courts. The records do not indicate which, if any, of the cases were prosecuted by the chief state's attorney's office.

For the purpose of this analysis, the entering of a plea by a defendant is considered the first step in the court system. A plea is the defendant's response to pending criminal charges, and a plea must be entered for every charge against a defendant. The second step, after trial if necessary, is a finding by the court of a verdict, followed by sentencing.

Output Analysis

Table V-1, as well as Figure V-1, indicate the types of crimes that SOCITF most frequently charged defendants arrested during 1973 to 1987. During this period, SOCITF arrests resulted in 1,337 charges filed against 528 defendants. On a yearly basis, gambling charges average 68 percent of all charges.

The numbers in the chart represent the charges and not individual arrests, since a defendant can be charged with more than one crime per arrest. Therefore, charges will outnumber the arrests.

Description of charges. The charge of gambling in Table V-1 and the remaining analysis refers to all statutory sections on illegal gambling. The statutes encompass the accepting and placing of illegal wagers, possession of gambling records and materials, use of a telephone or false name to promote gambling, conspiracy to commit gambling, and all other gambling-related

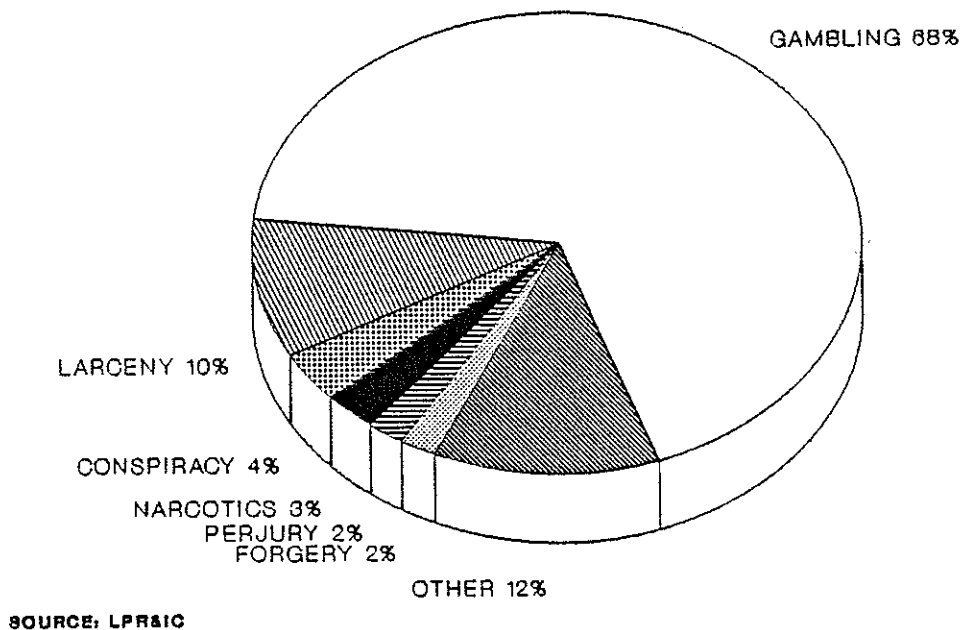
violations. All these gambling violations are misdemeanors.

Table V-1. TYPES OF CRIMES CHARGED BY SOCITF 1973-1987.

YEAR	GAMBLING	LARCENY	CONSPIRACY	NARCOTICS	PERJURY	FORGERY	OTHER
1987	88	2	0	2	0	3	8
1986	43	1	0	0	0	1	3
1985	70	2	0	2	0	0	6
1984	55	1	3	3	0	0	7
1983	96	2	0	2	0	3	10
1982	53	10	0	1	3	1	5
1981	55	33	24	1	5	3	25
1980	70	21	7	17	6	0	25
1979	25	25	4	0	11	3	9
1978	53	9	2	10	0	0	10
1977	50	12	6	0	0	0	18
1976	93	10	2	0	0	10	8
1975	109	2	0	0	1	2	20
1974	46	0	0	0	0	0	8
1973	1	0	0	0	0	0	0
TOTAL	907	130	48	38	26	26	162

Source: LPR&IC analysis of SOCITF arrest data 1973-87.

Figure V-1. SOCITF Charges: 1973-1987.



Larceny is intentionally stealing the property of another. According to statute, larceny includes, but is not limited to, embezzlement, extortion, theft of services and defrauding or false pretenses. Larceny can be a felony or misdemeanor.

Conspiracy is committed when two or more people agree to plan and commit a crime. The charge of conspiracy is usually accompanied by the charge of the crime committed, for example, conspiracy to commit larceny.

The charge of a narcotics violation includes possession, sale or manufacturing of narcotics or controlled substances. A narcotics charge can be either a misdemeanor or felony.

Perjury is defined as intentionally, while under oath in any official proceeding, making false statements, swearing, affirming or testifying falsely, to a material statement which the person

making the statement does not believe to be true. Perjury is a felony.

Forgery is intentionally falsifying any written instrument, with the intent to defraud, deceive, or injure another.

The "other" category in Table V-1 encompasses felony and misdemeanor criminal acts from breach of peace to murder, including fencing, racketeering, extortion, permit and tax violations, harassment, using a false name, and resisting arrest.

Analysis: 1985-1987. For the period under analysis, calendar years 1985 through 1987, there were 210 arrests, which excludes 141 arrests that were not representative of the sample. (The arrests were made all on the same day in 1987 by a local police department with the assistance of SOCITF detectives.) In 1985, 1986, and 1987 SOCITF made 76, 49, and 85 individual arrests respectively.

Table V-2, as well as Figure V-2, reflect a breakdown of charges filed by SOCITF and disposed of by the courts into categories of felony, misdemeanor, infraction, violation, and extradition. Felony and misdemeanor are further classified as A, B, C, D, and U (unclassified); for example, a Class A felony is the most serious of crimes.

In the three year period, SOCITF filed 53 felony charges and 389 misdemeanor and infraction charges against 210 defendants. The felony charges constitute 12 percent of all charges filed.

After the final disposition of the charges, SOCITF is credited with 25 felony convictions and 255 misdemeanor and infraction convictions. The felony convictions constitute 9 percent of all convictions.

A SOCITF case spent an average of 213 days in the system, with the minimum being 14 days and 855 days the maximum. Of the cases, 75 percent have final dispositions and are no longer considered active or pending cases. The pending cases make up 6 percent of the total.

Table V-3 is a breakdown of the pleas entered per charge by defendants arrested by SOCITF. As shown, guilty pleas were entered to 70 percent of the charges. A guilty plea automatically results in a guilty verdict.

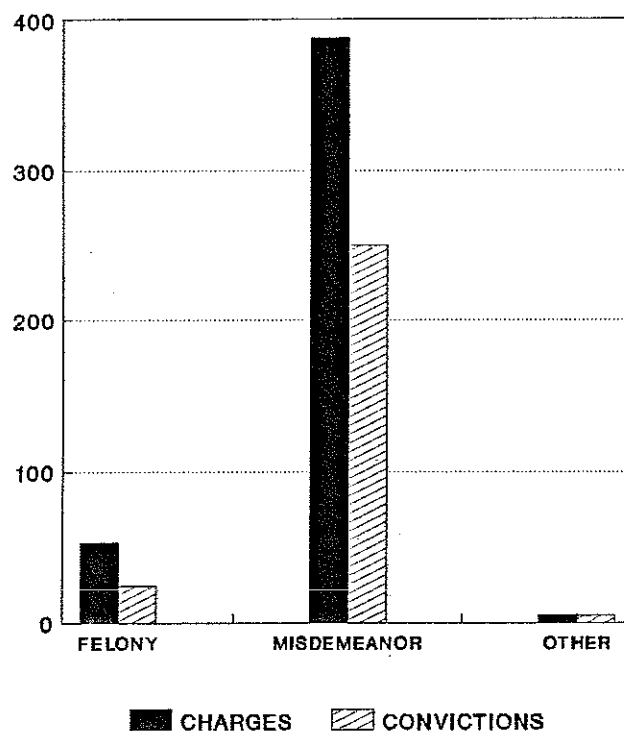
Table V-2. Offense Type for SOCITF Charges and Dispositions,
1985-1987.

OFFENSE TYPE	ARREST		DISPOSITION	
	FREQ.	PERCENT	FREQ.	PERCENT
FELONY A	0	0	0	0
FELONY B	3	0.7%	0	0
FELONY C	0	0	1	0.3%
FELONY D	44	9.9%	15	5.3%
FELONY U	6	1.3%	9	3.2%
MISDEMEANOR A	271	61.6%	198	70.7%
MISDEMEANOR B	97	22.4%	44	15.7%
MISDEMEANOR C	4	0.9%	2	0.7%
MISDEMEANOR D	0	0	0	0
MISDEMEANOR U	16	3.6%	6	2.1%
INFRACTION	1	0.002%	1	0.3%
VIOLATION	0	0	0	0
EXTRADITION	4	0.9%	4	1.4%
TOTAL	446		280*	

* 18.9 percent of total dispositions cannot be located within the Judicial System.

Source: LPR&IC analysis of SOCITF arrest data 1985-1987

Figure V-2. SOCITF Offenses: 1985-87.



SOURCE: LPR&IC

Table V-4 represents the verdicts for only those charges where a not guilty plea was entered. The court can enter verdicts of not guilty or guilty, or can dismiss the charge. The guilty verdicts entered to SOCITF charges total 41.5 percent of the verdicts entered by the courts.

Based on Tables V-3 and V4-4, 84.1 percent of all charges received a guilty verdict, either by pleading guilty or being found guilty by the courts. Of the verdicts entered by the courts, 19.3 percent were dismissed and none were found not guilty.

Table V-3. Pleas for SOCITF CHARGES, 1985-1987.

YEAR	--PLEA--	
	GUILTY*	NOT GUILTY
1985	68	20
1986	36	4
1987	34	34
TOTAL	138	58
PERCENT	70.4	29.5

* includes nolo contendere pleas

Source: LPR&IC analysis of Judicial Department data.

Table V-4. Verdicts for SOCITF charges, based on not guilty pleas, 1985-1987.

YEAR	GUILTY	NOT GUILTY	DISMISS*
1985	2	0	20
1986	5	0	3
1987	20	0	15
TOTAL	27	0	38
PERCENT	41.5%	0	58.4%

* includes charges that were nolleed

Source: LPR&IC Analysis of Judicial Department Data.

A sentence, or penalty, for a criminal conviction can include any one or a combination of the following: fine, incarceration, and probation. In this analysis, sentence is the amount of incarceration time imposed by the court, and jail is the amount of time actually served or the suspension of the time served.

The most frequent sentence imposed upon the convicted offenders of all SOCITF arrests was a fine. SOCITF cases netted approximately \$124,735 in fines during 1985 through 1987. The fines ranged from \$50 to \$5,625, with \$500 and \$1,000 being the most frequently imposed.

The illegal gambling arrests generated approximately \$120,995 or 97.0 percent of the amount of fines resulting from SOCITF arrests. The most frequently imposed fine for an illegal gambling charge was \$1,000.

As a comparison, from 1973 to 1975, SOCITF netted \$170,500 in fines. However, the unit at that time was staffed by both state police investigators and chief state's attorney prosecutors. A breakdown of the total showed the state police were responsible for \$104,000. Prosecutors were credited with \$66,490 of the total through prosecutions of other organized crime-related cases not investigated by SOCITF.

In the 1976 SOCITF evaluation report by the Connecticut Justice Commission, the total amount of \$170,500.00 was reported as representing only .07 percent of the estimated illegal revenues from gambling alone. During 1985 through 1987, SOCITF is responsible for \$45,765 less than it was during 1973 through 1975.

Of the total number of SOCITF charges during 1985 through 1987, one quarter received sentences of incarceration which ranged from one to more than 100 months. Incarceration sentences usually included a fine and a probationary period also.

Table V-5 shows the frequencies of the sentences imposed. The length of the sentences are indicated in months. Of the convicted offenders who received sentences of incarceration, 94.7 percent did not serve any time in jail or prison. These offenders received executed and suspended sentences, which result in no actual incarceration. Only 5.2 percent of the offenders served all or part of their sentences in jail or prison.

In those cases where a jail or prison sentence was imposed, the court often imposed a probationary period on the offender. The most frequently imposed probationary periods were 12 or 24 months, totalling 84.3 percent of all probation sentences imposed. In the remaining cases, 13.7 percent received a probation term of 36 or more months, and 1.9 percent received 18 months.

Table V-5. Number of Charges Receiving Sentences, 1985-1987
(sentence length in months).

SENTENCE (months)	1985	1986	1987	TOTAL	PERCENTAGE
1-6	18	7	8	33	57.8%
7-12	1	13	1	15	26.3%
13-36	0	3	1	4	7.0%
37+	1	4	0	5	8.7%
TOTAL	20	27	10	57	

Source: LPR&IC analysis of Judicial Department disposition data.

Because the gambling arrests comprise 68.3 percent of all charges against defendants by SOCITF during 1985 to 1987, a more detailed analysis of the number of arrests statewide for gambling was conducted.

Table V-6 reflects the total actual number of gambling arrests made statewide by both local and state police. The statistics for the state police include all arrests made departmentwide and not exclusively by SOCITF.

During the three year period, SOCITF arrests for gambling comprise 9.3 percent of all gambling arrests statewide. The conviction rate for local police is 25.3 percent, state police is 33.0 percent, and SOCITF is 56.3 percent.

Table V-6. Local and State Police Gambling Arrests, 1985-1987.

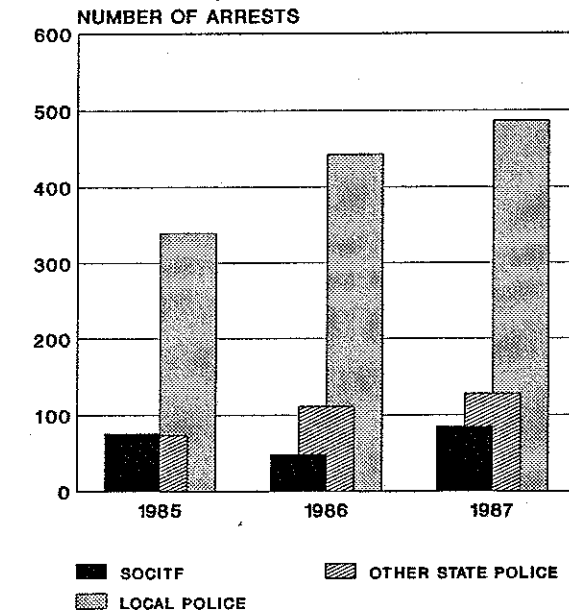
YEAR	LOCAL POLICE		STATE POLICE*		SOCITF**	
	ARREST	CONVICT	ARREST	CONVICT	ARREST	CONVICT
1985	339	110	74	22	76	39
1986	443	115	111	51	49	22
1987	486	96	128	65	85	37
TOTAL	1,268	321	418	138	174	98

* Does not include the number of SOCITF arrests.

** SOCITF data based on calender years, whereas local and state police data based on fiscal years.

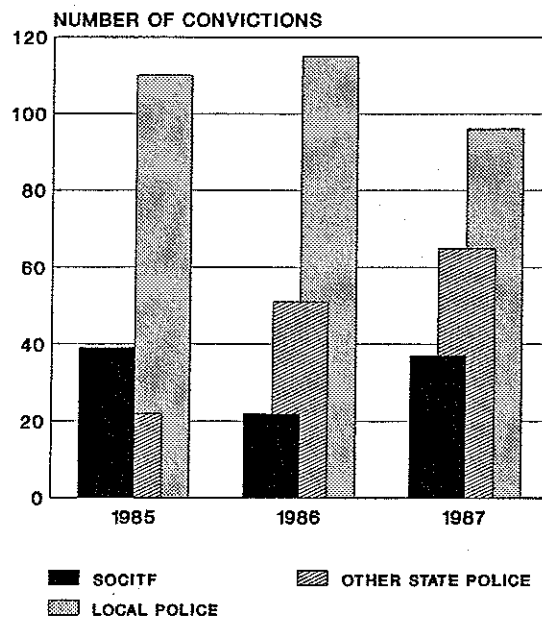
Source: LPR&IC analysis of Judicial Department data.

Figure V-3. Statewide Gambling Arrests: 1985-87.



SOURCE: LPR&IC

Figure V-4. Statewide Gambling Convictions: 1985-87.



SOURCE: LPR&IC

Due to SOCITF's statewide jurisdiction, a listing of the towns where arrests took place, along with the number of arrests per town, was compiled. Table V-7 shows the four towns with the most arrests over the three year period. As previously stated, there were 210 people arrested by SOCITF from 1985 through 1987. The remaining 91 arrests took place in 37 different towns throughout the state.

Consequently, the heavy concentration of arrests in Stamford and Bridgeport resulted in G.A. 1 (Stamford) and G.A. 2 (Bridgeport) adjudicating the majority of SOCITF cases. G.A. 1 handled 29 percent of all SOCITF cases, while G.A. 2 handled 20 percent.

Table V-7. Number of SOCITF Arrests per Town 1985-1987.

TOWN	NUMBER OF ARRESTS	PERCENT OF TOTAL
STAMFORD	60	28.5%
BRIDGEPORT	31	14.7%
NORWALK	15	7.1%
WESTPORT	13	6.1%
<hr/>		
TOTAL	119	56.6%

Source: LPR&IC analysis of SOCITF arrest data.

Based on the above analysis, the program review committee made findings and recommendations on SOCITF, presented in Chapter VII.

CHAPTER VI

DIVISION OF CRIMINAL JUSTICE

This chapter provides descriptive information and analysis about the Division of Criminal Justice. While the program review committee investigation was never intended to include a full-scale performance or management audit of the division, the interaction between at least one state's attorney and the chief state's attorney in events surrounding the gambling prosecution that sparked the investigation prompted the committee to look at both the statutory and actual relationships between the chief state's attorney and the various state's attorneys.

Division of Criminal Justice

Since 1984, the Division of Criminal Justice has been an agency within the executive branch, comprised of the chief state's attorney and the 12 state's attorneys for the 12 judicial districts. The state's attorney for each district is the chief prosecutorial official for that district, and generally handles all criminal cases within his or her jurisdiction.

The Office of Chief State's Attorney has certain administratively created specialized units to handle certain types of prosecutions: Medicaid Fraud Unit, Economic Crime Unit, and Racketeering/Trial Unit (which handles organized crime and political corruption cases, and provides manpower assistance to the judicial districts). There is also an appellate unit.

In 1973, the legislature established the Division of Criminal Justice in the Judicial Department, with the new position of chief state's attorney as the division's "administrative head." From 1973 to 1984, some changes were made to the statute, mostly of a technical nature. The division was established as an executive branch agency by a constitutional amendment adopted in November 1984.

Article XXIII of the Connecticut Constitution states:

There shall be established within the executive department a division of criminal justice which shall be in charge of the investigation and prosecution of all criminal matters. Said division shall include the chief state's attorney, who shall be its administrative head, and the state's attorneys for each judicial district, which districts shall be established by law. The prosecutorial power of the state shall be vested in a chief state's attorney and the state's attorney for each judicial district. The chief state's attorney shall be appointed as prescribed by law. There shall be a commission composed of the chief state's attorney and six members appointed by the governor and confirmed by

the general assembly, two of whom shall be judges of the superior court. Said commission shall appoint a state's attorney for each judicial district and such other attorneys as prescribed by law.

Thus, this constitutional amendment specifically established:

- o an executive branch division of criminal justice;
- o the position of chief state's attorney;
- o the positions of state's attorneys for judicial districts, and
- o a commission to appoint the state's attorneys.

The amendment left certain other items to be determined by statute. These were:

- o the establishment of judicial districts;
- o the method of appointment of the chief state's attorney; and
- o the numbers and method of appointment of other attorneys in the criminal justice division.

Earlier in 1984, in anticipation of the adoption of the constitutional amendment, legislation was enacted to implement the powers and duties of the new executive branch criminal justice division. Essentially, this new legislation made no substantial functional changes with respect to prosecutions, but it filled roles formerly played by judges with either the criminal justice commission or the chief state's attorney. Since 1984, other changes have been made. What follows is a description of those changes, as well as the current statutory provisions of the division.

The statute, repeating the constitutional language, "established the division of criminal justice within the executive department, which shall be in charge of the investigation and prosecution of all criminal matters in the superior court." The statute also provides that "the division ... shall be an agency within the executive department with all management rights except appointment of all state's attorneys."

By statute, the chief state's attorney is appointed for a five-year term by the Criminal Justice Commission, excluding the chief state's attorney as a commission member for purposes of that appointment. Two deputy chief state's attorneys are appointed for four-year terms to assist the chief state's attorney. The commission also appoints the state's attorneys for the various

judicial districts for eight-year terms as well as the various assistant state's attorneys and deputy assistant state's attorneys that assist both the chief state's attorney and the state's attorneys.

When the Criminal Justice Commission has reason to believe that the chief state's attorney is guilty of misconduct, material neglect of duty, or incompetence in the conduct of the office, a statutory procedure is to be followed during which the chief state's attorney is summoned to appear on a particular date and show cause why he or she should not be removed from office. If, after a hearing, the commission believes the evidence warrants removal, a written order is filed with the secretary of the state. There is no provision for disciplining, as opposed to removing, the chief state's attorney.

Any other prosecutor (i.e., a deputy chief state's attorney, state's attorney, assistant state's attorney, or deputy assistant state's attorney) may be disciplined for just cause after due notice and hearing by reprimand, demotion, or suspension with or without pay from his or her office. Recommendations for discipline may be initiated by the chief state's attorney or the appropriate state's attorney. A deputy chief state's attorney, state's attorney, assistant state's attorney, or deputy assistant state's attorney may be removed from office for just cause by order of the Criminal Justice Commission.

Many of the powers and duties set out in statute are to be exercised by "the division". The "division" has the broad mandate to "exercise all powers and duties with respect to the investigation and prosecution of criminal matters" required by state law. It is the "division" that is to take "all steps necessary and proper to prosecute all crimes and offenses" against state or municipal law. Until 1986, it was the "division" that was to participate on behalf of the state in all appellate, post-trial, and post-conviction proceedings resulting from criminal action. Now, those activities are to be performed by "the division, through the chief state's attorney."

The division has always had the authority to require the assistance of state and local police departments "in the investigation of any matter with which the division is concerned." Since 1986, by statute, the division has primacy if any such assistance is required, "provided the state and local police shall maintain any investigatory authority by law." The 1986 primacy clause also provided that "[a]ny conflict between the division ... and the state and local police with respect to any such investigation shall be resolved by the chief state's attorney."

Finally, it is with the division that all state and local police, law enforcement, and criminal justice agencies are to

cooperate in carrying out the mandates of the division, and in providing information and assigning such personnel "as may be required."

These division powers and duties were added in the last four years to the already present statutory provision, which still remains, requiring "each state's attorney, assistant state's attorney and deputy assistant state's attorney to diligently inquire after and make appropriate presentment and complaint to the superior court of all crimes within the court's jurisdiction."

Also, the specific power of the chief state's attorney to select, among others, chief inspectors and inspectors "as deemed reasonably necessary for the efficient operation and discharge of the duties of the division" was added in 1984 to the provision already allowing the state's attorneys to employ "one or more detectives to investigate for the purpose of discovering the perpetrators of any crime committed within the state, whenever the penalty for the crime is capital punishment or imprisonment in the Connecticut Correctional Institution, Somers."

Role of Chief State's Attorney

Since 1973, when the division was in the judicial department, the chief state's attorney has had certain specific responsibilities, including to: "administer, direct, supervise, coordinate, and control the operations, activities, and programs of the division as it shall apply to the superior court." In addition to that sweeping language, the chief state's attorney was also specified to be "administrative head." The administrative head designation was repeated in the 1984 constitutional amendment.

The chief state's attorney has specified statutory duties, little changed since 1973, which are to:

1. establish such bureaus, divisions, facilities and offices and select such professional, technical and other personnel, including chief inspectors and inspectors, as deemed reasonably necessary for the efficient operation and discharge of the duties of the division, subject to the personnel policies and compensation plan established by the Department of Administrative Services;
2. adopt and enforce rules and regulations to carry out the purposes of the Division of Criminal Justice;
3. establish guidelines, policies, and procedures for the internal operation and administration of the division, which shall be binding on all division personnel;

4. enter into contracts with consultants and such other persons as are necessary for the proper functioning of the office;
5. engage in long-range planning, and review policy and legislation concerning the administration of criminal justice in the state and recommend needed changes and additions thereto;
6. collect statistical data concerning administration of criminal justice in the state and furnish the data to the appropriate committee of the General Assembly;
7. conduct research and evaluate programs within the office;
8. establish staff development, training, and education programs designed to improve the quality of the division's services and programs;
9. coordinate the activities of the division with those of such other state, municipal, regional, federal, and private agencies as are concerned with the administration of criminal justice;
10. be authorized to receive and administer funds from the federal government or any charitable foundation to assist in the operations of the division;
11. supervise, approve, and issue all orders concerning all purchases of commodities, equipment, and services for the Division of Criminal Justice;
12. supervise the administrative methods and systems employed in the Division of Criminal Justice;
13. submit to the Department of Administrative Services for its approval a compensation plan for all employees of the division, which plan may include sick leave, vacation leave, absences without pay, longevity payments, increments, and all other matters regarding personnel policies and procedures;
14. establish with the approval of the Department of Administrative Services such job

classifications as deemed necessary for the operation of the division;

15. audit bills to be paid from state appropriations for the expenses of the Division of Criminal Justice;
16. maintain adequate accounting and budgetary records for all appropriations by the state for the maintenance of the Division of Criminal Justice and all other appropriations assigned by the legislature or state budgetary control offices for administration by the Division of Criminal Justice;
17. serve as payroll officer for the Division of Criminal Justice; and
18. has such other powers and duties as are reasonably necessary to administer the division and implement the purposes of the criminal justice division.

In addition, the chief state's attorney is to:

- o prepare and submit to the Office of Policy and Management estimates of appropriations necessary for the maintenance of the division and make recommendations about such for inclusion as a separate item in the budget request of the division;
- o determine the number of full-time and part-time assistant state's attorneys and deputy assistant state's attorneys as the criminal business of the court may require;
- o determine as many assistant state's attorneys and deputy assistant state's attorneys as necessary to assist the chief state's attorney; and
- o designate at least three assistant state's attorneys or deputy assistant state's attorneys to handle all state prosecutions of criminal housing matters.

Under C.G.S. Sec. 51-281, the law provides that all state prosecutors, except the chief state's attorney by omission, are qualified to act in any judicial district in the state. There are currently two situations in which the chief state's attorney apparently can represent the state in court.

First, upon application by a state's attorney and for good cause shown, after showing no other state's attorney is available, the chief state's attorney may be appointed by the Criminal Justice Commission to represent the state in criminal trials in lieu of any state's attorney, assistant state's attorney, or deputy assistant state's attorney in any judicial district.

Second, whenever, in the opinion of the chief state's attorney, the interest of the state will be furthered by so doing, the chief state's attorney may represent the state in lieu of a state's attorney for a judicial district in any investigation, criminal action, or proceeding necessary to promote and safeguard the public interest of the state and secure the enforcement of the laws of the state.

Day-to-day operations. In September 1985, Chief State's Attorney Kelly, three months after taking office, issued a set of guidelines to explain the "day-to-day working relationship that exists between the Chief State's Attorney's Office and the local State's Attorney's Offices." According to the introduction to the guidelines, "[they] seek to maintain the authority of the JD [judicial district] and GA [geographical area] Offices in traditional areas of the criminal law while at the same time take advantage of the resources and expertise of the OCSA [Office of the Chief State's Attorney] in certain, specialized areas or in areas in which, by reason of conflicts or other limitations, the JD and GA Offices cannot handle the case."

The guidelines proceed to delineate responsibilities in seven areas: 1) traditional criminal law areas; 2) economic crimes; 3) organized crime and political corruption cases; 4) medicaid fraud; 5) environmental cases; 6) appeals, habeas corpus, and civil litigation; and 7) conflict of interest cases. The only types of cases that were exclusively to be handled by the chief state's attorney's office, and still are, were medicaid fraud and environmental cases.

Under the guidelines, primary responsibility for the investigation and prosecution of traditional criminal cases is with the state's attorneys' offices. Traditional crimes include crimes related to gambling, the area involved in the Thomas Speers case.

For organized crime and political corruption cases, the guidelines provide that the judicial district offices and the chief state's attorney's office share responsibility for these prosecutions. The guidelines state, in part: "Prior to initiating an organized crime or political corruption investigation or prosecution, the Chief State's Attorney and the appropriate State's Attorney shall consult each other concerning responsibility for the case."

The guidelines also isolate the 18 specific statutory duties of the chief state's attorney previously described and annotates

each with information on what the chief state's attorney's office "has done or is doing to implement each subsection."

Policymaking. C.G.S. Section 51-279(a)(3) requires the chief state's attorney to "establish guidelines, policies and procedures for the internal operation and administration of the division which shall be binding on all division personnel." In the guidelines set out by Chief State's Attorney Kelly in September 1985, the list of policies used to illustrate the authority under this statutory provision included: 1) Out-of-state travel policy; 2) Media Policy; 3) Automobile usage and repair policy; 4) Education/training policy; 5) Extradition policy; 6) petty cash; 7) Expenditures; 8) Purchases; 9) Inventory; 10) Termination of employment; and 11) Hours of work for part-time prosecutors.

Resource allocation/budgeting. Under C.G.S. Section 51-279(a)(18), the chief state's attorney is required to "prepare and submit to the office of policy and management estimates of appropriations necessary for the maintenance of the division and make recommendations with respect thereto for inclusion as a separate item in the budget request of the division of criminal justice."

The chief state's attorney has the authority to determine the numbers of assistant and deputy assistant state's attorneys needed for the criminal business of the courts. Since 1973, the chief state's attorney has had the authority to assign any prosecutor at any time.

In preparation for submitting a budget every year to OPM, one of the steps the chief state's attorney takes is to determine how many judges are actually being assigned to the courts within the judicial districts under normal circumstances. The chief state's attorney works with an ideal judge/prosecutor ratio. Also each year, the chief court administrator will inform the chief state's attorney as to how many judges are being requested by the Judicial Department.

In the chief state's attorney budget request, he or she identifies the office for which additional staff is being requested. Table VI-1 shows, for state FY 88, the numbers of prosecutors, inspectors, and investigators in each judicial district and the chief state's attorney's office, broken down into functional units.

Other tables located in Appendix D show: the number of prosecutors and inspectors in the same breakdown as in Table VI-1 each year from FY 82 through FY 88, cases added in 1988 and the percentage of all cases they represent, and actual and percentage increases of criminal justice division personnel for two time periods.

Table VI-1. Criminal Justice Division Personnel: State FY 88.

JUDICIAL DISTRICT LOCATION	F.Y. 1988			F.Y. 1988		
	# PROS	# INSP	# TOT	% PROS	% INSP	% TOT
ANSN./MLFRD. J.D.	5	1	10	2.7	1.4	2.8
DANBURY J.D.	6	3	11	3.2	4.3	3.0
FAIRFIELD J.D.	19	7	35	10.1	10.0	9.7
HARTFORD J.D.	37	9	66	19.7	12.9	18.3
LITCHFIELD J.D.	3	1	7	1.6	1.4	1.9
MIDDLESEX J.D.	6	2	11	3.2	2.9	3.0
NEW HAVEN J.D.	25	9	51	13.3	12.9	14.1
NEW LONDON J.D.	10	3	19	5.3	4.3	5.3
STAMFORD J.D.	13	2	22	6.9	2.9	6.1
TOLLAND J.D.	5	1	10	2.7	1.4	2.8
WATERBURY J.D.	11	4	22	5.9	5.7	6.1
WINDHAM J.D.	4	2	9	2.1	2.9	2.5
ALL J.D.'S	144	44	273	76.6	62.9	75.6
C.S.A. PRE-ARREST	20	18	44	10.6	25.7	12.2
C.S.A. APPELLATE	20	0	26	10.6	0.0	7.2
C.S.A. ADMIN.	4	8	18	2.1	11.4	5.0
TOTAL C.S.A.	44	26	88	23.4	37.1	24.4
TOTAL DIVISION	188	70	361	100.0	100.0	100.0

* The "TOT" column represent total personnel in the J.D. locations including prosecutors, inspectors, and investigators.

** The "INSP" columns represents the number of inspectors in J.D. courts.

Source: Chief State's Attorney's personnel records

As noted earlier, certain issues about the balance of authority between the chief state's attorney and the state's attorneys arose during the events surrounding the Thomas Speers prosecution. It is important to remember that the 1984 constitutional amendment represented a fundamental change to the prosecutorial system in Connecticut by changing the locus of appointive authority. In addition, based on the public hearing testimony presented to the program review committee and an historical review of past debates on the topic, there are many different views about what the 1973 legislation that established the Office of Chief State's Attorney was intended to do. Beyond that, there are different views on what the appropriate prosecutorial framework in Connecticut should be.

The statutes give the chief state's attorney very broad, general duties, although at first glance, it appears that there is

a list of very specific duties. However, the first three alone require the chief state's attorney to:

1. establish such bureaus, divisions, facilities and offices and select such professional, technical and other personnel, including chief inspectors and inspectors, as deemed reasonably necessary for the efficient operation and discharge of the duties of the division;
2. adopt and enforce rules and regulations to carry out the purposes of the Division of Criminal Justice; and
3. establish guidelines, policies, and procedures for the internal operation and administration of the division, which shall be binding on all division personnel.

These powers and duties give the chief state's attorney broad latitude to affect the division, and stand in contrast with another item in the same list, that gives the chief the authority to "supervise, approve and issue all orders concerning all purchases of commodities, equipment, and services for the Division of Criminal Justice," a more clearly administrative duty.

Simply put, the statute is not clear, and it seems from the first day of enactment in 1973, the language was on a collision course with itself. For at the same time the chief's power was delineated, the state's attorneys' duty to "diligently inquire after and make appropriate presentment and complaint to the superior court of all crimes" within the particular jurisdiction remained unchanged.

Connecticut's first chief state's attorney, Superior Court Judge Joseph Gormley, testified before the program review committee:

And I think that one can in simple terms describe what the dilemma is because I think it exists as much today as it did then. ... [T]hose that want to limit the power of the chief state's attorney, and basically make the claim that it has little power can find language within the statute still today to support that fact.

...And if you are a proponent of the more powerful image of the chief state's attorney, you can certainly find language that is in support of it.

Perhaps a combination of the newness of the chief state's attorney's office and the continued oversight of judges who interacted with prosecutors on a day-to-day basis maintained some

internal harmony to a certain extent within the division for a while. The evolution of the office under three different people, the unification of the prosecutorial offices in 1976 as a result of court unification, and the shift to the executive branch perhaps changed that, permitting the statutory tensions to become more apparent.

Three years ago, the legislature looked at this issue of the relationship between the chief and the state's attorneys, through the work of a specially appointed select committee. At that time, the prime concern was friction between the chief and the state police. The locus of the friction three years later seems to have changed, although it all may be attributable in part to the lack of statutory clarity.

The Joint Special Committee issued a report in January 1986 that stated, in part,:

The guidelines [prepared by Chief State's Attorney Kelly] may gloss over the inherent tension between the respective offices for some period of time; but it is safe to say that, given the clear conflicts present, guidelines will not solve the problem.... A recent amendment to the State Constitution simultaneously declares the CSA to be the Administrative head of the Division of Criminal Justice (including the SA) and grants prosecutorial authority to the SA in his respective district.... A further complication is the recognized value of having the SA respond to the perceived needs of his district.

The report presented two "alternatives" and one "recommendation", much of which was the basis for 1986 legislation. The "alternatives" were to:

1) Allow the CSA guidelines to jell and take effect. In summary, do not change the existing relationships. CSA Kelly is a former SA and may have enough good-will and reflected power to prevail in any upcoming differences with the SAs. There is also the threat of not recommending re-appointment to the Criminal Justice Commission although this measure, because it is so drastic, may not be utilized.

2) Establish overall operational and definitive control in the CSA. While desirable from many points of view, this approach will raise the specter of a criminal justice czar in the person of the CSA and may be difficult to sell as a practical matter.

What the report finally recommended was "that the principle of uniformity of prosecution be selected as an appropriate area of control by the CSA or, more aptly, establish that office as the

first among equals." From this report came the primacy, preemption, and appellate amendments.

Prosecutorial Models

A 1982 Wisconsin legislative study of that state's prosecutorial system presented three structural models for prosecutorial systems identified by Daniel L. Skoler in his book, Organizing the Non-System.

The three models were described as follows:

- o Central administration - systems where there is central state administration of all prosecution;
- o Regulatory - systems where significant regulatory or oversight powers reside in state government (typically the Attorney General) with retention of local prosecution units and an important technical assistance commitment from the state; and
- o Decentralized collegial - systems where there is coordination through statewide organizations of prosecutors themselves on a consensual basis, again with a significant technical assistance component.

Connecticut's present system fits into the regulatory model. The Wisconsin study further discussed the model, stating "under this model, the autonomous local prosecutor is retained but a state regulatory system is recommended '... to assure even-handed justice and diligent enforcement from the prosecution function throughout the state'" [citing the Skoler work].

The Wisconsin report continued: "Mr. Skoler suggests that a workable regulatory model '...should focus on normal regulatory controls formulated on the consensual basis that befits a highly professional function like prosecution, and deemphasizes extreme ad hoc remedies that do little to strengthen performance beyond the actual cases where used'"

Finally, the report describes elements Skoler identified as important to achieving success with the regulatory model:

1. state policy and standard setting in limited areas requiring guidelines, with local prosecutor participation in formulation but reasonable enforcement authority once promulgated;
2. emphasis on review, inspection, and monitoring techniques [by the state] which promise not so

much displacement of local prosecutor decisionmaking nor correction of it but primarily guidance and strengthening of local resources to meet desired standards;

3. [state] reporting and standardized data collection requirements which permit assessment of local performance and achievement of applicable standards;
4. state resources to provide the technical assistance needed to fully meet policy and rulemaking mandates; and
5. some state disciplinary powers in carefully defined cases such as intervention and power to initiate removal proceedings for cause.

Based on the above discussion, the program review committee developed findings and recommendations related to the division of criminal justice, presented in chapter seven.

CHAPTER VII

FINDINGS AND RECOMMENDATIONS

Introduction

This chapter contains the Legislative Program Review and Investigations Committee's findings and recommendations resulting from the investigation of selected aspects of the criminal justice system. As noted earlier, findings are conclusions reached by the committee based on information gathered during the investigation. If deemed appropriate, proposed recommendations for either administrative or legislative changes follow the findings.

Some of the findings are based on the actual events related to the gambling case that prompted the review. Others address broader structural areas. The bases for either type of finding are contained in the accompanying narrative.

As stated earlier, the objectives of the committee investigation were twofold. First, the committee wanted to examine the events surrounding the Thomas Speers bookmaking case and assess whether any of the events demonstrated questionable actions by Connecticut law enforcement or prosecutorial personnel. Second, the committee wanted to assess whether any behavior identified as questionable was encouraged by or symptomatic of structural or procedural factors.

In answer to the first objective, the program review committee finds that certain events surrounding the Speers case involving public employees were indeed questionable. As to fulfilling the second objective, the committee also finds that certain structural and institutional deficiencies created an environment in which such events could occur.

This chapter is divided into five sections, the first four containing findings and recommendations concerning: 1) the Speers gambling case; 2) the state police and use of informants; 3) the state police and the Statewide Organized Crime Investigative Task Force, and 4) the division of criminal justice. The fifth section provides results of an attitudinal survey of certain participants in the criminal justice system.

Before turning to the specific areas of findings, some general remarks are in order. In 1985, the year Mr. Speers was arrested for professional gambling, 143,683 criminal cases entered the state's judicial system, and there were 137,004 dispositions. In 1987, when Mr. Speers' case was actually adjudicated, 163,264 criminal cases were added and 150,733 were disposed. (These numbers do not include motor vehicle cases.) It could be argued that given the volume of criminal cases handled each year in

Connecticut, the attention paid to one misdemeanor gambling case (that became a felony case because of the prosecutor's decision to charge under the persistent offender statute) is misplaced.

In part, to test the notion that the Speers case was just one case and the arising conflicts were not necessarily indicative of a systemwide problem, a survey was sent out to over 600 employees of both state law enforcement and prosecution agencies. Discussed in more detail in Section 5, the survey shows that, while there are problem areas, the majority of people within the system believe they are getting along and approve of how others are doing their jobs.

However, an argument stressing the relative minor nature of the Speers prosecution in a case load context would ignore a series of events surrounding the case, discussed earlier in chapter three, which raise questions about actions and motivations on the part of public officials and employees. Indeed, some of the actors who have created, at best, an impression of poor judgment in certain circumstances are in the highest levels of agency leadership.

This involvement of leadership raises concerns that go beyond any particular case or function. Criminal investigation and prosecution are areas in which great discretion is, and must be, exercised. The powers of detainment, arrest, covert information gathering, prosecution, and potential incarceration are among the most awesome our society provides to be used by persons employed by the state to carry out public policy. Criminal investigation and prosecution also involve great interdependence between police and prosecutors.

No set of rules can guarantee the integrity and smooth working of any system. First and foremost, it is the responsibility of the appointing authorities to carefully select agency heads who are not only competent, but understand that they are part of a larger system, are able to work with competing demands and perspectives, and understand that perceptions are often as important to the confidence people have in a system as actual events.

The program review committee finds that actions taken over the past three years by members of the Criminal Justice Division and the state police in and around the Speers case have created at best for Connecticut citizens a perception of a criminal justice system operating with little communication and considerable institutional parochialism to the detriment of the common goals of law enforcement and prosecution, and that those in leadership positions have not done what they should to dispel that perception.

SECTION 1. SPEERS CASE

The following findings and recommendations are related to the Speers gambling case and related events. As it was Superior Court Judge Dranginis' recusal from the case in March 1987 that in part prompted the committee review, the findings begin with the March 19, 1987, conversation between Attorney Timothy Moynahan and Judge Dranginis. Concern had been expressed about possible state police involvement in an attempt to influence Judge Dranginis.

Recusal Of Judge Dranginis

It is the finding of the Legislative Program Review and Investigations Committee that:

1. There is no evidence on the record that any member of the state police had a direct connection to the conversation Attorney Timothy Moynahan had with Judge Dranginis for which he was initially charged with coercion and attempted bribery, and ultimately granted accelerated rehabilitation on coercion charges. Attorney Moynahan's conversation, whatever the nature of it, was initiated by him. Regardless of the source of the information, the independent act of Attorney Moynahan to present such information to the judge makes him solely responsible for his acts.

2. The nature of Attorney Moynahan's conversation with Judge Dranginis was the subject of a criminal prosecution. There were remedies available for any determination of wrongdoing on Moynahan's part. He was granted accelerated rehabilitation under statutory provisions.

The Statewide Grievance Committee determined that because the conversation took place in the presence of a judge, under its interpretation of its jurisdictional boundaries, it had no jurisdiction in a matter the court could have handled.

The program review committee as a legislative entity has no role in the determination of guilt or innocence in a criminal matter. However, the committee understands that the Rules Committee of the Superior Court is considering clarifying language to enable the grievance committee to make judgments about the ethics of such conduct in the future, and the program review committee strongly recommends these clarifications be made.

3. There is no evidence on the record that any member of the state police suggested or encouraged Speers to call the Toll Gate Inn on February 26, 1987.

Speers testified that the state police were not involved in any way in his calling the Toll Gate Inn. He said that he was looking for someone fresh to bet with that night, and "somebody ... it wasn't a law enforcement person, either a gambler

or somebody had said there is a lot of action at the Toll Gate or whatever".

Speers also testified that he ran the Toll Gate Inn and Mr Zivic's name by someone in the media on the Thursday night he placed the call to the Toll Gate, and that's how he found out that Mr. Zivic was married to Judge Dranginis.

Lt. Haines testified that "All I know is I had absolutely nothing to do with the initiation of that I think that's the last thing in the world I think any cop in our department would do, is something that low, to give a number of a Judge's husband ... we don't operate like that."

Finally, Commissioner Forst stated: "The specter of a policeman, or anyone else for that matter, trying to influence a judge's decision is horrendous If it turns out that a state policeman did that, I will take swift, severe action...."

4. The committee finds troubling, however, the apparent lack of concern by the state police about how Speers came to call the Toll Gate at that particular time, a question that clearly goes to his motivation for providing the information to the police.

Lt. Haines testified that he did not recall any questioning of Mr. Speers about why he happened to call the Toll Gate Inn, after the "anonymous" letter was received on March 3, 1987, and before Speers was taped calling Mr. Seitz, even though Haines testified that it was known that Speers was scheduled to appear before Judge Dranginis. Six days after those taped phone calls, which resulted in nothing, Lt. Haines called Speers "to find out what was wrong if anything and what I could learn about the motivation...." When asked why he was questioning Speers' motivation at that point, Lt. Haines stated:

Because it's not like normal cases we've worked on. It wasn't there. At least it wasn't there obviously that evening. If he says so and so had taken a bet previously, you could have called them right up and they'd be taking the bet. But it just wasn't the case. This was different. But yes, I was questioning him. I was questioning Mr. Speers as to what this was all about. This was different, this wasn't normal.

As Lt. Haines knew at the time he received the letter from Mr. Speers, Speers was about to appear before Judge Dranginis. Thus, it would appear obvious that the case was not normal from the very beginning, not after Speers' information did not prove correct.

Zivic Investigation

5. The Legislative Program Review and Investigations Committee believes the decision to investigate the allegations in

the Speers letter was a judgment call. The committee takes no position on the decision.

6. However, given the circumstances of the situation, with Judge Dranginis scheduled to hear the Speers' case, Speers should not have been used in the investigation at all. It should have been apparent to everyone in attendance at the March 4, 1987, meeting, especially the chief state's attorney and the state police legal advisor, a former prosecutor, that using Speers placed the prosecution in front of Judge Dranginis in a vulnerable position, no matter what the outcome of the investigation.

7. State's Attorney John A. Connelly, as well as an official in the judiciary, should have been told of the investigation immediately, not to treat Judge Dranginis in a preferential way, but in the interest of protecting the integrity of the case and the judicial system.

When Mr. Kelly was asked about whether Judge Dranginis would be open to claims of prejudiced decisionmaking from both sides once the investigation began, regardless of the outcome, and whether she was ever actually informed of it, he said:

There was always that potential, but as far as I am concerned, in view of the fact that there were no allegations against her initially and in view further of the fact there were no corroboration of any allegation against her husband she should not have been under a cloud and my feeling was that if there had been any further type of contact by my office on this the claim would have been made once again of interfering in the prosecution of [Mr. Speers' gambling case]. So there was no contact made.

It seems from Mr. Kelly's statement that he decided not to tell Mr. Connelly about the Zivic investigation in part because he was concerned about Mr. Connelly going to the press.

Commissioner Forst testified regarding the Zivic investigation that it was the intention of the state police that information about the investigation not come out. When asked how they planned to do that, when they involved Speers in the investigation, a person with no obligation to keep the information confidential, Forst replied, "That certainly was a problem. It was one that we would have had to face."

The committee acknowledges that it would be unacceptable to in effect permit a defendant to judge-shop by providing alleged intelligence information related to a judge he did not want to appear before. A solution to this would be to require the defendant to make a sworn statement if he had information to

provide, impressing upon the person the penalties of perjury. Perhaps this at a minimum is what the state police could have required from Mr. Speers, who they were not using as an informant anymore.

With respect to informing Mr. Connelly, law enforcement officers generally would be expected to inform the prosecutor about something that could affect an ongoing case. However, in this case, the state police chose to involve Chief State's Attorney Kelly.

If the Zivic investigation were considered a traditional gambling case, it clearly should have been handled by Mr. Connelly. On the assumption that the Zivic investigation would be viewed as a possible political corruption case, under Mr. Kelly's own guidelines established in September 1985, "prior to initiating an organized crime or political corruption investigation or prosecution, the Chief State's Attorney and the appropriate state's attorney shall consult each other concerning responsibility for the case." Thus, Mr. Kelly should have told Mr. Connelly about the investigation.

If State's Attorney Connelly had been made aware of the investigation, at a minimum, the confusion that arose after the investigation that Mr. Connelly began subsequent to receiving Judge Dranginis' statement could have been avoided. The need for the state police to issue the April 9, 1987, press release "to make sure there wasn't any misinformation", would also have been eliminated.

The Legislative Program Review and Investigations Committee recommends that the chief state's attorney promulgate regulations in accordance with the Uniform Administrative Procedures Act to establish protocols to inform the Judicial Department of cases where a member of the judiciary may be affected by a law enforcement investigation. These regulations should require all law enforcement agencies to inform the chief state's attorney and the appropriate state's attorney about such investigations in a timely fashion. To the extent possible, the judicial notice provision should not compromise any such investigation.

This recommendation is not based on any notion that members of the judiciary are above the law or should receive preferential treatment. It is based on a recognition, however, of a judge's unique role in the criminal justice system, and the need to prevent any appearance of undue influence of any kind.

Secret Tapings

8. The Legislative Program Review and Investigations Committee believes the secret tapings of State's Attorney John

Connelly on March 4, 1985, and January 17, 1986, by State Police Lt. Haines presents a troublesome state of relations between at least one prosecutor and one police officer and showed a lack of professionalism on the part of Lt. Haines.

9. The seeming lack of response of both the state police commander and the chief state's attorney to the disclosures of the taping is disconcerting.

The tapings evidenced an appalling lack of trust between the commanding officer of the state police unit charged to combat organized crime and one of the state's 12 state's attorneys. Both organizations should have affirmatively attempted to resolve this apparent trust problem, which obviously could affect the ability of both the police officer and the prosecutor involved to do their jobs. The memo of understanding signed by both Chief State's Attorney Kelly and Commissioner Lester Forst did not address the basic issue.

Therefore, the Legislative Program Review and Investigations Committee recommends that the chief state's attorney promulgate regulations in accordance with the Uniform Administrative Procedures Act to address issues involving external issues or agencies. Thus, in the case of a policy about state police secretly taping prosecutors, if a policy is deemed necessary, it should be in the form of regulations.

State Police Use of Speers

10. The Legislative Program Review and Investigations Committee finds that the state police did not have a department-wide informant policy prior to January 1988, which created a situation with little control and contributed to the Speers problem.

The state police informant policy is discussed in detail in Chapter IV and in Section 2 of this chapter.

11. The facts about the use of Speers in general that became known during the committee investigation showed questionable management by and judgment on the part of the state police.

12. The relationship between Speers and the state police during the investigation of Speers and after his arrest exhibited a pattern of inappropriate solicitousness toward Speers.

13. The Statewide Organized Crime Investigative Task Force was negligent in its failure to conduct a search of Thomas Speers' house at the conclusion of the wiretap on his phones.

14. The arrest of the informant who provided information for Speers' wiretap, Robert "Gus" Fennessy, by SOCITF detectives appeared to be in retribution for the arrest of Thomas Speers.

According to State Police Major Patrick Hedge, former commander of the Special Investigations Bureau and Lt. Haines' direct supervisor, he was never consulted about the Speers case:

... because the whole Speers investigation was a controversy surrounding Mr. Connelly, Speers and our agency was conducted straight from the top. I mean the Commissioner was working with Bruce Haines and I was not made aware of anything that was going on.

In 1973, when SOCITF was established, Lt. Haines was assigned to the unit, and Speers became the first registered informant. Speers continued to be SOCITF's most used informant until 1986.

Initially, Speers' motivation was understood by detectives as obtaining consideration in a pending criminal prosecution. Speers testified:

I believed that I was building up a legal I.O.U. account, that if I ever came across a crooked cop with enough legal juice to incarcerate me, I could call in my past favors and see if I could balance off his influence in the court. That was my motivation.

He further testified he was "in the business of beating bookmakers" and by acting as an informant he "figured that Haines and that crew would neutralize" any investigation or prosecution and sentence imposed by the court.

During the 17 years Haines used Speers as an informant, Haines assessed Speers' motivation as a dislike for bookmakers and "looking for a deal." In defining the "deal", Haines testified that Speers was "probably feeling that--okay, state police aren't going to bother me if I bet because I'm giving them all these numbers [of bookmakers]. They know I'm betting and I'm 'home free' on this particular account."

Speers' dislike for bookmakers was evident in his gambling practice of betting until he had a sizable debt owed to the bookmaker, and then not paying, sometimes apparently informing on them or threatening to inform on the bookmaker to SOCITF. Speers' motivation was money and the opportunity to continue to gamble.

Upon becoming a SOCITF informant, Speers provided the majority of his information to that unit, and on a very infrequent basis provided information to other police departments. Haines was the primary SOCITF contact for Speers, but other SOCITF detectives were used by Speers after an introduction from Haines. Testimony differed on how often Speers was in contact with Haines or other SOCITF detectives, anywhere from daily contact to once or twice a week.

Haines did not inform Speers he would be terminated as an informant if he violated any conditions. Haines testified, "there

was nothing set down in writing it was just an understanding that if he did in fact book (accept bets) he'd be arrested." Haines testified that "checks and balances" enabled him to determine if Speers violated the conditions. Haines said the "checks and balances" used were confidential.

At the March 4, 1985, meeting with State's Attorney Connelly that Lt. Haines taped, Haines said in reference to Speers:

I'm kind of at the point where I say, you know, we almost like created a monster. He probably makes too much money beating bookmakers and I know he's thrown cop's names around. He's done things that he shouldn't have, but nothing I could have ever really pinched him for.

In the mid-1970s, there was an attempt to terminate Speers as a SOCITF informant. Austin McGuigan, then a SOCITF prosecutor, and Major Orlando Ragazzi, then the SOCITF commanding officer, were not in favor of using Speers as an informant and attempted unsuccessfully to quash a wiretap application based on Speers' information.

Ragazzi gave a verbal order to SOCITF to stop using Speers. Ragazzi testified:

I had received information that Speers was setting up bookmakers and then reporting that to our squad. And then we were going out and making the arrest based on his information. And I just felt that this was not a proper procedure.

Ragazzi received the information from Austin McGuigan.

McGuigan learned from SOCITF detectives that Speers was "stinging people" with the assistance of SOCITF. McGuigan brought this issue to the attention of Ragazzi. After Ragazzi's order, McGuigan testified "it was understood that he (Speers) was being terminated. It was known around the office that we were not going to use him anymore."

Ragazzi testified that in 1976, after he had ordered SOCITF to stop using Speers, Waterbury State's Attorney Frank McDonald contacted him with a request to use Speers in an investigation. Members of SOCITF had approached the state's attorney and asked that he make the request to Ragazzi. Ragazzi further testified, "I told McDonald that if they used him he would be responsible and not myself...."

Major Walter Scholtz was the commanding officer of SOCITF when Major Ragazzi was director. In a staff interview, Major Scholtz, who has just been appointed commander of the Special Investigations Bureau, which contains SOCITF, said he also believed at the time that Speers was no longer productive as an

informant, and he says he told then-Sgt. Haines, who worked under him, to stop using him.

McGuigan testified that in 1977 Speers was re-employed as a SOCITF informant by Lester Forst who was commanding officer of SOCITF. McGuigan was still the prosecutor at the unit. McGuigan and Forst disagreed about the use of Speers and who was in charge of the investigation. McGuigan further testified "the Speers matter was the focal point" to the decision to remove prosecutors from SOCITF.

In late 1986, SOCITF was again ordered to stop using Speers. This order came from Commissioner Lester Forst after a grand jury report had been issued questioning the state police for their use of Speers. Forst directed Haines to discontinue the informant relationship. Haines testified "anybody" could tell him to stop using Speers as an informant and he would have stopped. Haines further testified that after the order to cease using Speers from Forst, Speers continued to provide information. Haines did not act on the information, but he did listen to Speers until 1987.

With respect to the SOCITF arrest of the informant whose information was one basis of Speers' wiretap application, Speers was arrested by the state police on May 2, 1985, by SOCITF. Robert "Gus" Fennessy, the informant, was arrested by SOCITF on May 13, 1985, for operating under an expired liquor license. Mr. Fennessy was booked after his arrest by the state police at the Waterbury Police Department instead of the nearest state police barracks, which is not ordinarily done.

Task force arrest statistics show that from 1973 through 1987, SOCITF made four arrests for liquor permit violations.

15. The Legislative Program Review and Investigations Committee finds that Thomas Speers profited significantly and protected both his gambling operation and possibly organized crime through the manipulation of his informant relationship with the state police.

Lt. Haines testified that during the 20 years that he knew Speers, Speers did not hold down a job. State's Attorney Connelly testified that Speers had not been gainfully employed and has had no visible means of support for 20 years, but owns two homes and two cars.

Speers testified that he profited by collecting his betting winnings and not paying on his losing bets. Lt. Haines was aware that Speers did not pay his gambling losses and gave information on bookmakers he owed money to and bookmakers he had not gambled with. Lt. Haines also testified that "he had heard on occasion" that Speers had exploited the relationship with SOCITF.

Speers testified that one of the factors in his decision to pay a losing bet, which he rarely does, was whether the person was

involved in organized crime. Speers said if he could help it, he wouldn't bet with an organized crime person. He also said that people connected with organized crime asked him to sting someone else, but he said he wouldn't give a number like that to the state police because "it would reflect back on the guy who gave [him] the number."

Finally, Speers testified that there were a few numbers given to him by the state police that he "wasn't comfortable" with because they were organized crime people. Speers testified that if he knew someone was really connected and he could get hurt, he wouldn't give them to the state police.

Fennessy Interview

16. The Legislative Program Review and Investigations Committee finds that Chief State's Attorney John Kelly should have informed State's Attorney Connelly about the Fennessy interview in a more timely fashion.

On September 19, 1985, Speers brought Gus Fennessy to a parking lot just outside SOCITF headquarters, and SOCITF detectives interviewed Fennessy, who stated that he had never been used by Lt. Brown as an informant before the Speers case. If this statement were true, it could have potentially helped the defense very much.

In a letter dated September 24, 1985, from Haines as SOCITF commander, Mr. Kelly received Fennessy's unsigned statement. Kelly testified that it had the "potential to develop, depending on developments within the grand jury, of being considered exculpatory." He said the reason he did not inform Connelly of the statement at the time was that it was "anticipated and came to fruition that this would be an area of inquiry for the Grand Jury." Kelly did inform Connelly of the information in January 1986, while the grand jury was running.

It is unclear whether any rule of grand jury secrecy would apply to the Fennessy interview statement, since it existed as a prior, independent statement. The Schaller Grand Jury, charged with looking into corruption allegations in Waterbury, including the allegation that Waterbury Lt. Brown fabricated information about his informant, was authorized on October 21, 1985. In the name of being cautious, Mr. Kelly could have put State's Attorney Connelly on the grand jury disclosure list so he could have access to that information.

Mr. Kelly commented to the committee that in that case there was one state's attorney's office involved in a secret grand jury proceeding, and another state's attorney's office involved in a traditional criminal prosecution, and "yet ... [there was] the impact of that grand jury inevitably on that pending criminal prosecution. Probably never occurred in Connecticut before."

Immunity Issue

17. The Legislative Program Review and Investigations Committee finds that Chief State's Attorney Kelly should not have appeared in the Speers prosecution being conducted by State's Attorney Connelly on the issue of immunity for certain defense witnesses unless he had preempted the case.

The appearance of Deputy Chief State's Attorney Domenick J. Galluzzo for the chief state's attorney occurred in the midst of a motion to suppress hearing in the Thomas Speers case. State's Attorney Connelly was the prosecutor. As Chief State's Attorney Kelly himself stated in an earlier letter to State's Attorney Connelly: "I ... wish to reiterate now that this Office will not replace your Office in the prosecution of State v. Speers."

If, in fact, State's Attorney Connelly might have made an error in judgment or as a matter of law with respect to the issue of immunity for certain witnesses, the remedy would lie in any judicial consequences, as in any adversarial situation.

State Police Management

As a final note prompted by events surrounding the Speers case, some general findings about and recommendations on certain aspects of the state police were made by the committee.

18. The program review committee finds the perspective on criticism of the state police voiced by Public Safety Commissioner and State Police Commander Lester Forst's own prepared remarks before the committee troublesome and inappropriate for any agency of state government.

On February 11, 1988, at an appearance before the committee, Commissioner Forst stated:

There is one other myth to which I understand you have been subjected that I must set straight right now. It was reported in the press that Mr. Connelly issued a warning that people who criticize the Connecticut State Police had better prepare for aggravation and sleepless nights.

Mr. Connelly left out the most important word, the word "falsely". Let the entire citizenry beware that the Connecticut State Police will acknowledge their mistakes and take appropriate corrective action. But, they will fight to the last breath false charges. (emphasis added).

We do not intentionally cause aggravation or sleepless nights for anyone. If, however, bringing the truth to

light has the effect upon someone who has made false charges, we make no apology. We welcome legitimate criticism, and those who provide it have nothing to fear. (emphasis added)

Every state agency is subjected to criticism, legitimate or otherwise. Indeed, criticisms are often based on judgment calls or policy decisions, not factual disputes. An agency's reputation is based on the way it performs in the day-to-day course of delivering whatever service it is in the business of delivering and the manner in which its employees comport themselves.

Discussion at the outset of this section dealt with the importance of appearances of competence, as well as actual competence. "False charges" do indeed affect appearances, but "fighting to the last breath", whatever that means, is an inappropriate agency response.

It is in part based on this concern with the state police response that the committee makes the next recommendation affecting the relative position of the state police division within the Department of Public Safety.

The Legislative Program Review and Investigations Committee recommends that the public safety commissioner and the commander of the state police no longer be the same person by statute, and that the public safety commissioner be a civilian appointee.

This would not diminish the role of the state police commander, who clearly has a critical job of overseeing the state's law enforcement agency. However, it would be valuable to have as the head of the Department of Public Safety a person who, while understanding and sympathetic to law enforcement concerns, would have the time and background to adopt a broader perspective on the role of law enforcement in a civil government and would be in a position to develop interactive protocols with other agencies and to develop other policy positions.

The provision that the public safety commissioner be civilian would be in keeping with the 1977 testimony by a member of the Committee on the Structure of State Government, commonly known as the Filer Committee, about the state reorganization that resulted from the Filer Committee's work, when he stated:

"... the continuation of a civilian head of the Department of Police is in keeping with the law enforcement principles that govern many states and the Federal Agencies as well, where law enforcement is a civilian branch of protection for the people."

Other state police agencies are commonly within a larger department, as is the case in Connecticut since 1979. However, these other states statutorily provide for a separate department commissioner appointed by the governor. The head of the state

police agency is another person, typically appointed by the department commissioner or the governor. Connecticut is the only state that statutorily provides that the commissioner of public safety and the state police commander be filled by the same person. Appendix E provides information about the structures in all the states.

As Appendix E shows, in states like Massachusetts, New Jersey, New York, New Hampshire, Vermont, Pennsylvania, and California, a director of state police is responsible for the day-to-day administration and operation of the police. The director reports to a commissioner who is responsible for establishing procedures and policies of the whole department related to public safety.

As Appendix E also shows, the specific functions of state departments charged with public safety concerns vary among states. The current structure of the Connecticut Department of Public Safety, depicted in the organizational chart on page 15 indicates the functions within the department.

Although not examined by the program review committee because the topic was beyond the scope of the committee's investigation, a re-evaluation of the current organizational structure and responsibilities of the department of public safety might be worthwhile to conduct, in tandem with the establishment of separate positions of commissioner and state police commander. For example, the question about whether the state fire and building code units are appropriately placed within the division of the state police could be considered.

SECTION 2. STATE POLICE: USE OF INFORMANTS

As discussed in Chapter IV, the use of informants is an issue of concern in the fair operation of the state's criminal justice system. This is particularly so in light of the number of criminal cases that are plea bargained, preventing the veracity and/or appropriateness of the utilization of informants from being tested in the adversarial system. Also, due to its secretive nature, the use of informants by police officers is open to misuse and corruption.

Administrative and operational supervision of the use of informants must occur at various levels in the chain of command. An informant policy cannot address every problem that might arise in the use of an informant, but it should be comprehensive and usable. The policy must provide uniform guidance to a whole department or agency. It should be noted that other law enforcement jurisdictions in addition to the state police use informants, and any concerns about abuse and lack of control may be as applicable to those other jurisdictions as they are with respect to the state police.

The new state police informant policy addresses the principles behind the use of informants, but does not provide any rules and regulations in an usable format. It stops short of making detailed operational and administrative decisions. When the policy should have addressed an issue by outlining the steps to be taken or rules to be followed, it covered the issue in broad and vague language.

The current policy requires that "clear and unmistakable rules" regarding informant conduct be established. Several general rules are then listed, although the rules themselves do not provide direction. For example, the informant policy cites "previously prescribed methods" for the informant to report information. However, nowhere in the policy is a reporting method or procedure outlined.

The policy further states that the "clear and unmistakable rules" can be "amended" and "additional rules" enforced by troopers. Alterations or additions to the policy by those who are to be guided and supervised is a contradiction to the intent of the policy, which was to provide a set of rules and regulations.

Based on research about informant policies and the analysis of the state police informant policy presented in Chapter 3, the program review committee found that, at the very minimum, an informant policy should include:

- o a centralized informant filing system;
- o standardized forms for all record-keeping activities;
- o a record-keeping activity for every phase of informant relationship;
- o specification of commanding officers' supervision responsibilities;
- o rules and regulations on informant suitability and trooper-informant relationships; and
- o payment and consideration guidelines.

The policy should also included procedures on:

- o determining the motivation and initiation of the informant;
- o preliminary inquiry (or debriefing) of the informant;

- o scheduled review of informant files and information; and
- o informant participation in criminal activities.

The Legislative Program Review and Investigations Committee, therefore, recommends that the state police undertake a complete revision of the January 1988 informant policy. The revision should address the committee findings and incorporate those findings into regulations promulgated pursuant to the Uniform Administrative Procedures Act.

The committee recommends that a centralized informant filing system be designed and implemented and that it be maintained by the central intelligence unit. The state police, in their revision of the policy, should refer to the written policies of other states, cities and the federal level.

SECTION 3. STATE POLICE AND THE STATEWIDE ORGANIZED CRIME INVESTIGATIVE TASK FORCE

As previously stated in the analysis of SOCITF in Chapter 4, SOCITF arrest and disposition statistics and the Judicial Department's response to the cases were used as a measure of the unit's work. The data presented are not the only indicator of the quality of SOCITF's work. SOCITF's effectiveness in controlling organized crime cannot be absolutely measured by the numbers of arrests and prosecutions.

However, it is apparent by the present output that despite its statutory mandate and original intent, the focus and direction of SOCITF's work has not changed drastically from the days of the State Police Illegal Gambling Unit. Of all charges filed by SOCITF from 1973 through 1987, 68.3 percent were for illegal gambling, a misdemeanor.

Over the past 14 years, in its attempt to investigate organized crime, SOCITF has concentrated its efforts on gambling. The lists of charges filed by SOCITF include few arrests for other types of crime, even those crimes commonly known to be related to gambling, such as loansharking and check fraud.

Table 4-1 in Chapter 4 demonstrates that there has been very little enforcement action by SOCITF toward the types of crimes, aside from gambling, with which organized crime has commonly been known to be involved. Some of these crimes and activities, based on research on organized crime and a 1973 joint report by the state police and the Connecticut Planning Committee on Criminal Administration, are set out below. The list is not meant to be exhaustive, but to outline the variety of activities organized crime participates in or controls. The activities include:

- o infiltration of legitimate businesses;
- o tax fraud;
- o embezzlement;
- o pornography;
- o narcotics and controlled substances;
- o hazardous waste and garbage removal;
- o construction industry;
- o auto theft and salvage; and
- o fencing stolen goods.

The gambling arrests by SOCITF do not appear to be focused toward exposing organizations or monopolistic ventures by bookmakers. There are very few people arrested by SOCITF more than once. With respect to organized crime arrests based on Mr. Speers' information, the task force states two "major organized crime figures" were charged based on his information.

The quality of the cases made by SOCITF may be measured through the court's response to those cases. Again, this is not the only measure in assessing the quality of a criminal case. It is a measure that can also be influenced by several factors, such as the prosecutor, the judiciary, and the social view on the seriousness of the offense. The legislature, of course, establishes the relative importance of a crime by the penalty it attaches.

SOCITF cases are required by statute to be referred to and prosecuted by the chief state's attorney. However, based on the type of cases made by the unit, the current chief state's attorney has established a policy that only the most serious organized crime cases are to be referred to his office. All other SOCITF cases are to be referred for prosecution to the G.A. courts.

Of all defendants arrested and charged by SOCITF from 1985 to 1987, 70.4 percent either pled guilty or nolo contendere and went on to the sentencing phase of the system. Of all charges adjudicated by the courts, 97.0 percent received a fine.

The large number of fines can be attributed to the present attitude toward a gambling charge. Several witnesses testified before the program review committee at public hearings that most gamblers prefer to pay the fine as the price an individual has to pay to gamble, and end their involvement with the criminal justice system.

The 1976 evaluation report on SOCITF addressed this same issue by stating, "If this penalty pattern does not change, it raises a question about the value of continuing to use scarce resources of the Task Force for what amounts to collecting a business tax on some illegal operations."

SOCITF is responsible for reducing the influence of organized crime and racketeering in the state by the disruption of their activity and the investigation of public corruption. It attempts to cause a major disruption of organized crime activity and to increase the cost of doing business.

According to the 1973 report on organized crime that led to the establishment of SOCITF and SOCITF's own standard operating procedures manual, SOCITF expects the major disruptions and resulting instability to rock the foundations of the organizations and syndicates. Some of the outcomes SOCITF attempts to achieve are: changes in leadership; breakdowns in discipline, organization, and efficiency; and a reduction in the scope and nature of organized crime activities.

Research on organized crime has shown that the investigation of illegal gambling has often and mistakenly been considered the investigation of organized crime, and arrests for illegal gambling are perceived as a "blow" to organized crime. Not all illegal gambling is controlled by or benefits organized crime. There are many independent bookmakers who operate without paying a "tax" to any monopolizing organization.

The Pennsylvania Crime Commission reported in 1987 that nationwide, "the relationship of illegal gambling to the LCN (La Cosa Nostra, the Italian organized crime group) is nebulous."

According to research, the investigation of and arrests for gambling in the fight against organized crime represent an ill-defined and unfocused approach. Unfocused gambling arrests may result in the elimination of independent individuals or networks allowing the more organized and larger criminal networks to control the activity. Through ill-defined resource allocations and random arrests, police can act as the "muscle" for organized crime, unconsciously or corruptly, by eliminating the independent competition.

SOCITF's use of the informant, Thomas Speers, over a 17-year period, comes uncomfortably close to the type of random arrests described above. Speers provided SOCITF with information on bookmakers and, in some cases, SOCITF provided Speers with the telephone numbers of suspected bookmakers to obtain gambling information. For his information, in some cases, Speers effectively received SOCITF's protection from arrest and extortion, and financial profits from his bets with bookmakers, who were either independently discovered or provided by SOCITF.

Based on public testimony and staff interviews, it was concluded that the majority of the information Speers provided to SOCITF was on bookmakers to whom he owed money. Speers testified that he was "uncomfortable" with providing information on those individuals who he knew to be connected to organized crime, and he did not like to establish a gambling relationship with those individuals. The arrests of those independent bookmakers owed money by and informed on by Speers appeared to assist in effectively clearing his debt; the arrests of independent bookmakers put organized crime's competition out of business.

A possible explanation for the narrow focus of SOCITF can also be found in their extensive use of Thomas Speers as an informant. The commanding officer of SOCITF from 1980 to 1988, Lt. Bruce Haines, testified that Speers had been credited with providing the information that led to 200 arrests. The majority of the arrests were for gambling, although Haines did testify that Speers provided information on "just about every type of crime you can think of".

Lt. Haines also testified that Speers information was used to make the type of gambling arrests that would provide more complete information on the controlling organization. In effect, SOCITF used the information "to go up the ladder" of organized crime. From the statistics, it seems that SOCITF did not get beyond the first few rungs of the ladder.

All of the above raises the question of why a specialized unit with a specific focus, like SOCITF, is making the type of arrests that are also being made by local police departments and other nonspecialized troopers. During 1985 through 1987, local police made 68.1 percent of all gambling arrests statewide, whereas SOCITF is credited with 9.3 percent of the arrests.

Based on the analysis of SOCITF, the committee has determined that the bulk of the task force's work is the detection and investigation of illegal gambling, and that the unit is not fulfilling its original responsibility of controlling organized crime.

The Legislative Program Review and Investigations Committee recommends that the functions and duties of the Statewide Organized Crime Investigative Task Force be placed under the authority of the Office of Chief State's Attorney to promote a more comprehensive and direct attack on organized crime in the state.

The task force was established after a 1973 report to the governor on organized crime in the state was issued by the State Police and Connecticut Planning Committee on Criminal Administration. The recommended organizational structure of

SOCITF bears little resemblance to its present structure. In fact, from its inception to the late 1970s, the internal structure of SOCITF was subject to continuous change.

The recommended structure consisted of a director, a director's unit, and four major units: legal research, investigative, prosecutorial support services, and interagency liaison. Local police officers, accountants, and analysts were on staff. The unit was located within the State Police Division and was responsible for providing the state "with a broadly based investigative and prosecutorial capability and with the degree of coordination required for the state's organized crime control efforts to be more effective."

The task force was to incorporate "five major innovations in organized crime control": case screening for organized crime content; case element identification and analysis; close interagency liaison and coordination, including case monitoring, coordination of investigations with other agencies, orientation, training, and technical assistance; use of intelligence and other information; and use of both criminal and noncriminal statutes in the investigation and prosecution of organized crime.

However, some of the specialized units within the structure such as the analysts and accountants were never staffed, and eventually, due to friction and a lack of cooperation with police personnel, the prosecutors were removed to the chief state's attorney's office. SOCITF has evolved into its present organizational structure composed of all state police personnel.

During a staff interview with the commanding officer of SOCITF, he stated that there were no ranking officers in the state police with expertise or knowledge of organized crime that he could consult for direction or advice, except Commissioner Forst. Haines based Forst's expertise on the fact that at one time Forst had been the commanding officer of SOCITF. He also stated that to conduct complex organized crime investigations the police required the assistance of specialized people, such as accountants.

There are many states that have statewide organized crime investigative units. Program review staff researched several of them and found that they are staffed by both police and legal personnel, along with analysts, accountants, and investigators.

The coordination leads to investigations that utilize both criminal and civil statutes to prosecute both traditional and nontraditional organized crime groups. The organized crime activities investigated range from loansharking, stealing from corporations including corruption of the construction and carting industries, narcotics, and racketeering. The state's racketeering and organized crime statutes are also frequently used, and, on occasion, a referral to the federal level for prosecution under the Racketeering Influence and Corrupt Organizations (RICO) Act was made.

SECTION 4. DIVISION OF CRIMINAL JUSTICE

The program review committee finds that a centralized prosecutorial office with certain defined administrative and prosecutorial responsibilities is needed, in addition to the local state's attorney's offices located within each judicial district. While a case could be made in a state the size of Connecticut for a completely centralized prosecutorial system, similar to that in Alaska, Rhode Island, and Delaware, and the federal system, a long historical tradition of local autonomy perhaps should not be ignored.

Traditions, however, change when faced with changing reality. Adapting to different realities and needs was the substantive basis for the 1973 legislation that originally created the Division of Criminal Justice and the Office of Chief State's Attorney.

The program review committee, following the regulatory model discussed in Chapter 6, made recommendations to serve as a blueprint for clarifying the balance of authority within the criminal justice division. Obviously, as an important factor in the regulatory model is consensus building, these changes should be considered carefully by all affected parties during the 1989 legislative session.

The bolded material that follows contain program review committee recommendations; in some cases, there is accompanying narrative.

The Legislative Program Review and Investigations Committee recommends that the statutes should be amended to provide that each state's attorney shall hire, promote, and discipline all prosecutors, inspectors, and other personnel in his/her office, subject to position availability and subject to confirmation by the Criminal Justice Commission.

The chief state's attorney shall also hire, promote, and discipline prosecutors, inspectors, and other personnel in his/her office, subject to position availability and confirmation by the Criminal Justice Commission.

All prosecutors are now appointed and may be disciplined by the Criminal Justice Commission. However, on a day-to-day basis, they work under supervising attorneys. There is no direct connection currently between the authority for hiring, firing, and disciplining and the responsibility for day-to day supervision anywhere in the division.

The constitution clearly provides that the commission appoints state's attorneys, and the statutory provision that the commission also appoints the chief state's attorney should be maintained. Although indirect, the governor is ultimately

accountable for these appointments, as he or she appoints the commission. However, the accountability for the assistant and deputy assistant state's attorneys should be more direct.

There were opinions expressed during committee hearings that the chief state's attorney has inappropriate dual roles by being both the chief state's attorney and a member of the Criminal Justice Commission. The committee agrees that this dual role is a conceptual problem; however, as it is a constitutional provision, it would be difficult to change.

The program review committee recommends the statutory provision that requires the state's attorneys "... to diligently inquire after and make appropriate presentment and complaint to the superior court of all crimes within the court's jurisdiction" shall remain.

By statute, the chief state's attorney shall establish units in his/her office responsible for the investigation and prosecution of organized crime and for the investigation and prosecution of public corruption. The chief state's attorney's office would not have exclusive jurisdiction over these cases. These units should be staffed with appropriately skilled persons.

The chief state's attorney shall submit an annual report to the legislature about the preceding year's activities of both these units as well as the activities of the entire Division of Criminal Justice. To enable the chief state's attorney to make this report, each state's attorney shall submit to the chief state's attorney an annual report including standardized data of the activities within the particular judicial district.

The chief state's attorney should develop clearly articulated standards for staffing levels within the Division of Criminal Justice to guide his/her budgetary decisions as a result of consultation with and input from the state's attorneys and a method of monitoring staffing needs.

The chief state's attorney should continue his emphasis on providing training, both entry level and continuing.

On a related matter, an issue arose during the course of committee work regarding actual job content for prosecutors and a lack of upward mobility. The issue is beyond the scope of this investigation, but the committee believes it should be addressed in some other forum.

The program review committee recommends that statewide prosecutorial standards and guidelines should be established by the chief state's attorney, who shall actively solicit guidance from and seek to form a consensus with all state's attorneys. The standards should be published, and shall be followed by all prosecutors. A state's attorney policy board shall be established, comprised of the chief state's attorney and three to

six state's attorneys serving on a rotating basis for two-year terms. In addition to standards and guidelines, the board would address other policy matters such as peer review, resolution of conflicts, and serve as a sounding board for administrative matters.

To allow for general information flow, all state's attorneys and the chief state's attorney shall meet not less than once a month at a regularly scheduled meeting.

By statute, the chief state's attorney shall establish an appellate unit in his/her office.

The chief state's attorney shall be qualified to act in any judicial district in the state.

There shall be a statutory standard for when the chief state's attorney may represent the state under C.G.S. Sec. 51-277(d)(a). The standard shall be the establishment, by clear and convincing evidence, of an abuse of discretion by a state's attorney, including a decision based on fraud, conflict of interest, or a blatant misapplication of well-settled legal principles, or the investigation of a state's attorney for an alleged criminal violation.

In cases of preemption, the chief state's attorney shall prepare a written statement of the grounds upon which he/she is preempting the case. The affected state's attorney will also prepare a written opinion of the case. Both statements shall go into a permanent file to be maintained for the Criminal Justice Commission for review upon the request of the state's attorney, and for use at the time for reappointment of either the chief state's attorney or the state's attorney involved.

Currently, the chief state's attorney may preempt any case from a state's attorney when the chief believes that "the interest of the state will be furthered in doing so." Since the statute went into effect in 1986, Chief State's Attorney Kelly has used it twice. In 1987, the Criminal Justice Commission was given the authority to review any preemption decisions made by the chief state's attorney, if the affected state's attorney requested a review.

The program review committee believes that there should be a mechanism to remove a state's attorney from a case, which should be based on a clearly articulated standard. Chief State's Attorney Kelly has developed such a standard himself, which he applies to requests for his intervention in cases; the committee believes that standard should be in statute.

The program review committee recommends that the chief state's attorney's evaluation for the reappointment of state's attorneys should be based on articulated standards applied to all

state's attorneys and carried out with an objective evaluation instrument approved by the Criminal Justice Commission.

As of June 1988, the Criminal Justice Commission has requested the chief state's attorney to fulfill his statutory duty to evaluate state's attorneys for reappointment by providing written evaluations. The program review committee obtained access to the only two written evaluations that have been done to date, and although parts of the evaluations were similar in format, the criteria against which each was evaluated was not similar. The committee believes that the state's attorneys should be evaluated consistently.

SECTION 5. CRIMINAL JUSTICE SURVEY

Introduction. As noted earlier, part of the committee work during the investigation was to conduct a survey to measure attitudes of people working within the system in an attempt to put the Speers case in perspective. The program review committee staff surveyed more than 600 state police, prosecutors, and inspectors to assess employee attitudes about the working relationships among the Chief State's Attorney's Office, the twelve state's attorney's offices, the state police, and local police.

The committee's survey instrument was deliberately general in nature, intended to elicit general perceptions of the working relationships within certain areas of the criminal justice system. The survey results could not, and have not, been used to identify subtle distinctions in working relationships within the system, including geographic factors.

Survey respondents were asked to rate:

1. information exchange between offices;
2. their personal relationships with other offices;
3. the relationships between the respondents' offices and other offices;
4. the quality of work in their own and other offices;
5. their degree of trust toward other offices;
6. how they thought other offices would rate the quality of their offices' work; and
7. how they rate the quality of their own offices' work.

The available ratings were on a scale of one to five: one being "excellent", five being "poor", and three being "adequate". Survey respondents were also asked about their years of service and their frequency of contact with each of the other offices. A copy of the survey is found in Appendix F.

Specifically, a total of 603 surveys were sent on July 1, 1988, to: all state's attorneys, assistant state's attorneys and deputy assistant state's attorneys in both the Chief State's Attorney's Office as well as in the state's attorney's offices; all inspectors in the Criminal Justice Division; all state police commanding officers and detectives; and a random sample of patrol troopers.

In total, persons in 10 job titles received surveys. Although these groups were asked to rate local police, local police themselves were not surveyed because the activities of municipal law enforcement agencies were beyond the scope of the committee investigation. Table VII-1 summarizes the numbers of surveys sent out, and the response rate by job title.

Analysis methodology. The survey responses were tabulated and grouped by job title and by office. The responses were collapsed into one of three categories: positive, neutral, and negative. The positive category included all responses marked one or two; the neutral category consisted of all responses marked three; and the negative category consisted of all responses marked four or five. Although each of the entities surveyed--the office of chief state's attorney, the state's attorneys' offices, and the state police--have multiple divisions and jurisdictions, for purposes of this survey analysis, they are referred to as the four "offices."

Findings

Summary. Table VII-2 shows the combined survey responses of persons in each of the 10 job categories to all the questions requiring rating except how the respondents would rate their own agencies. (The job titles on the vertical axis (left) are rating the offices across the horizontal axis (top)). Where employees would be rating their own offices, n.a. (not applicable) is indicated.

As can be seen from Table VII-2, the survey results for the most part indicate a positive working relationship among most offices in the state's criminal justice system, although there are problem areas. The two most conspicuous trouble spots are in information exchange and agency relationships.

Table VII-1. Responses to Criminal Justice Surveys.

Job Title/Office	No. Sent	No. Returned (%)
o State's Attorneys	12	7 (58.3)
o Asst. State's Attorneys (C.S.A. Office)	12	14* (100.0)
o Deputy Asst. State's Attorneys (C.S.A. Office)	29	15 (51.7)
o Asst. State's Attorneys (J.D.)	84	50 (58.8)
o Deputy Asst. State's Attorneys (J.D.)	44	17 (38.6)
o Inspectors (C.S.A. Office)	18	11 (61.1)
o Inspectors (J.D.s)	35	25 (71.4)
o State Police Cmdng. Officers	37	47 (100.0)**
o State Police Detectives	179	105 (58.7)
o State Police Patrol Troopers	<u>153</u>	<u>75 (49.0)</u>
<u>Totals</u>	603	366 (60.7)

* Some assistant state's attorneys mistakenly identified themselves as being from the Chief State's Attorney's Office (C.S.A. Office) when they were from judicial districts (J.D.'s).

** Some ranking officers (such as lieutenants or sergeants) who hold supervisory positions may have classified themselves as commanding officers, contrary to their classification on the personnel listing used to mail the survey.

Table VII-2. Combined Survey Responses of Persons in All Job Titles Toward Certain Criminal Justice System Offices.

THOSE RESPONDING	OFFICES BEING RATED											
	C.S.A.'s Office			S.A.'s Office			State Police			Local Police		
	+	0	-	+	0	-	+	0	-	+	0	-
S.A.s	22 (58)	10 (26)	6 (16)	n.a.	n.a.	n.a.	31 (74)	6 (14)	5 (12)	36 (86)	6 (14)	0 (0)
A.S.A.s (c.s.a.)	n.a.	n.a.	n.a.	52 (71)	17 (23)	4 (5)	48 (62)	23 (30)	6 (8)	45 (60)	26 (35)	4 (5)
D.A.S.A.s (c.s.a.)	n.a.	n.a.	n.a.	55 (71)	16 (21)	7 (9)	28 (55)	17 (33)	6 (12)	28 (55)	20 (39)	3 (6)
A.S.A.s (j.d.)	92 (33)	81 (18)	104 (38)	n.a.	n.a.	n.a.	159 (59)	88 (33)	23 (9)	179 (65)	80 (29)	17 (6)
D.A.S.A.s (j.d.)	58 (65)	16 (18)	15 (17)	n.a.	n.a.	n.a.	60 (66)	26 (29)	5 (5)	68 (72)	21 (22)	6 (6)
Inspectors (c.s.a.)	n.a.	n.a.	n.a.	50 (79)	9 (14)	4 (6)	59 (95)	3 (5)	0 (0)	54 (90)	3 (5)	3 (5)
Inspectors (j.d.)	68 (52)	27 (20)	37 (28)	n.a.	n.a.	n.a.	110 (74)	26 (17)	13 (9)	112 (75)	26 (17)	11 (7)
Police (c.o.)	192 (87)	25 (11)	4 (2)	185 (67)	80 (29)	13 (5)	n.a.	n.a.	n.a.	171 (62)	89 (32)	16 (6)
Police (detective)	301 (70)	93 (22)	33 (8)	378 (62)	149 (24)	87 (14)	n.a.	n.a.	n.a.	403 (66)	166 (27)	44 (7)
Police (trooper)	100 (47)	71 (33)	44 (20)	211 (52)	123 (30)	72 (18)	n.a.	n.a.	n.a.	249 (63)	108 (27)	40 (10)

NOTE: These figures represent the sum of the positive, neutral, and negative responses to questions 4,5,6,7,9 & 10 that each of the 10 job classifications on the vertical axis answered to. The four column headings correspond to the four options (a,b,c,d) for each of the questions which were combined.

* The total number of positive, neutral and negative responses may vary between offices being rated. This is because respondents were asked to refrain from rating offices with which they had little or no contact.

Source: LPR&IC analysis

Individual survey question responses. The following tables display the responses to each survey question, shown in both absolute numbers and in percentages (in parentheses). Percentages of specific job titles refer to those responding to the survey with that job title, rather than all persons in the system in that job title.

Information exchange with the chief state's attorney's office was rated negatively by 44 percent of assistant state's attorneys (j.d.s), 39 percent of inspectors (j.d.s), and 42 percent of state troopers. Thirty-four percent of the state police patrol troopers rated information exchange as a problem with the state's attorney's offices while 65 percent of the state police detectives rated the same exchange positively.

Table VII-3. Responses to Question No. Four Rating Information Exchange Between Offices in Absolute Numbers (and Percentages).

THOSE RESPONDING	OFFICES BEING RATED											
	C.S.A.'s Office			S.A.'s Office			State Police			Local Police		
	+	0	-	+	0	-	+	0	-	+	0	-
S.A.s	4 (57)	2 (29)	1 (14)	n.a.	n.a.	n.a.	5 (71)	1 (14)	1 (14)	6 (86)	1 (14)	0 (0)
A.S.A.s (c.s.a.)	n.a.	n.a.	n.a.	10 (77)	2 (15)	1 (8)	9 (69)	2 (15)	2 (15)	7 (58)	4 (33)	1 (8)
D.A.S.A.s (c.s.a.)	n.a.	n.a.	n.a.	10 (77)	2 (15)	1 (8)	5 (63)	2 (25)	1 (13)	5 (63)	3 (38)	0 (0)
A.S.A.s (j.d.)	14 (29)	13 (27)	21 (44)	n.a.	n.a.	n.a.	26 (58)	10 (22)	9 (20)	30 (65)	13 (28)	3 (7)
D.A.S.A.s (j.d.)	7 (47)	4 (27)	4 (27)	n.a.	n.a.	n.a.	8 (53)	5 (33)	2 (13)	10 (63)	5 (31)	1 (6)
Inspectors (c.s.a.)	n.a.	n.a.	n.a.	7 (70)	2 (20)	1 (10)	9 (100)	0 (0)	0 (0)	8 (89)	0 (0)	1 (11)
Inspectors (j.d.)	10 (43)	4 (17)	9 (39)	n.a.	n.a.	n.a.	18 (72)	4 (16)	3 (12)	19 (76)	5 (20)	1 (4)
Police (c.o.)	28 (90)	2 (6)	1 (3)	30 (64)	12 (26)	5 (11)	n.a.	n.a.	n.a.	30 (65)	15 (33)	1 (2)
Police (detective)	44 (70)	12 (19)	7 (11)	67 (65)	15 (15)	21 (20)	n.a.	n.a.	n.a.	78 (77)	20 (20)	3 (3)
Police (trooper)	4 (17)	10 (42)	10 (42)	27 (38)	20 (28)	24 (34)	n.a.	n.a.	n.a.	50 (68)	16 (22)	8 (11)

* The total number of positive, neutral and negative responses may vary between offices being rated. This is because respondents were asked to refrain from rating offices with which they had little or no contact.

Source: LPR&IC analysis

In the chief state's attorney's office, 69 percent of the assistant state's attorneys rated the state police positively on information exchange while 15 percent rated the exchange negatively. Sixty-three percent of the deputy assistant state's attorneys rated the state police positively on information exchange; 13 percent responded negatively.

One hundred percent of the inspectors in the chief state's attorney's office rated the state police positively for information exchange. Similarly, 90 percent of the state police commanding officers rated the chief state's attorney's office positively for information exchange.

The highest percentages of positive responses about the state's attorney's offices came from the chief state's attorney's office personnel. Personal relationships with the state's attorneys' offices were rated positively by 100 percent of the inspectors (csa), 83 percent of the assistant state's attorneys (csa), and 77 percent of deputy assistant state's attorneys (csa).

Table VII-4. Responses to Question No. Five Rating Personal Relationships with Other Agencies in Absolute Numbers (and Percentages).

THOSE RESPONDING	OFFICES BEING RATED											
	C.S.A.'s Office			S.A.'s Office			State Police			Local Police		
	+	0	-	+	0	-	+	0	-	+	0	-
S.A.s	4 (57)	1 (14)	2 (29)	n.a.	n.a.	n.a.	4 (57)	2 (29)	1 (14)	6 (86)	1 (14)	0 (0)
A.S.A.s (c.s.a.)	n.a.	n.a.	n.a.	10 (83)	2 (17)	0 (0)	8 (62)	4 (31)	1 (8)	8 (67)	4 (33)	0 (0)
D.A.S.A.s (c.s.a.)	n.a.	n.a.	n.a.	10 (77)	3 (23)	0 (0)	5 (83)	0 (0)	1 (17)	6 (100)	0 (0)	0 (0)
A.S.A.s (j.d.)	11 (23)	17 (35)	20 (42)	n.a.	n.a.	n.a.	31 (70)	11 (25)	2 (5)	38 (81)	7 (15)	2 (4)
D.A.S.A.s (j.d.)	8 (57)	4 (29)	2 (14)	n.a.	n.a.	n.a.	9 (60)	4 (40)	0 (0)	15 (94)	1 (6)	0 (0)
Inspectors (c.s.a.)	n.a.	n.a.	n.a.	10(100)	0 (0)	0 (0)	10(100)	0 (0)	0 (0)	10(100)	0 (0)	0 (0)
Inspectors (j.d.)	12 (52)	3 (13)	8 (35)	n.a.	n.a.	n.a.	21 (84)	3 (12)	1 (4)	9 (41)	6 (27)	7 (32)
Police (c.o.)	30 (97)	0 (0)	1 (3)	34 (74)	12 (26)	0 (0)	n.a.	n.a.	n.a.	38 (83)	8 (17)	0 (0)
Police (detective)	48 (76)	11 (17)	4 (6)	75 (73)	17 (17)	11 (11)	n.a.	n.a.	n.a.	88 (86)	11 (11)	3 (3)
Police (trooper)	8 (40)	8 (40)	4 (20)	44 (65)	15 (22)	9 (13)	n.a.	n.a.	n.a.	61 (84)	10 (14)	2 (3)

* The total number of positive, neutral and negative responses may vary between offices being rated. This is because respondents were asked to refrain from rating offices with which they had little or no contact.

Source: LPR&IC analysis

The majority of positive responses about the chief state's attorney's office came from the state police commanding officers and detectives. Ninety-seven percent of the state police commanding officers and 76 percent of the detectives rated their own relationships with the chief state's attorney's office positively.

All persons asked to rate the chief state's attorney's office, except state police detectives and commanding officers, rated the office with a negative response rate of 27 percent or more regarding agency relationships. With respect to the chief state's attorney, agency relationships were rated negatively by 33 percent of state's attorneys, 51 percent of assistant state's attorneys (j.d.), 32 percent of inspectors (j.d.), and 34 percent of state police troopers.

Table VII-5. Responses to Question No. Five Rating Agency Relationship with Other Agencies in Absolute Numbers (and Percentages).

THOSE RESPONDING	OFFICES BEING RATED											
	C.S.A.'s Office			S.A.'s Office			State Police			Local Police		
	+	0	-	+	0	-	+	0	-	+	0	-
S.A.s	2 (33)	2 (33)	2 (33)	n.a.	n.a.	n.a.	5 (71)	1 (14)	1 (14)	6 (86)	1 (14)	0 (0)
A.S.A.s (c.s.a.)	n.a.	n.a.	n.a.	7 (58)	4 (33)	1 (8)	8 (62)	4 (31)	1 (8)	9 (69)	4 (31)	0 (0)
D.A.S.A.s (c.s.a.)	n.a.	n.a.	n.a.	7 (54)	3 (23)	3 (23)	4 (50)	3 (38)	1 (13)	5 (63)	3 (38)	0 (0)
A.S.A.s (j.d.)	9 (19)	14 (30)	24 (51)	n.a.	n.a.	n.a.	27 (56)	17 (35)	4 (8)	38 (81)	8 (17)	1 (2)
D.A.S.A.s (j.d.)	8 (53)	3 (20)	4 (27)	n.a.	n.a.	n.a.	8 (57)	5 (18)	1 (7)	12 (80)	2 (13)	1 (7)
Inspectors (c.s.a.)	n.a.	n.a.	n.a.	6 (55)	3 (27)	2 (18)	9 (82)	2 (18)	0 (0)	9 (90)	1 (10)	0 (0)
Inspectors (j.d.)	9 (41)	6 (27)	7 (32)	n.a.	n.a.	n.a.	17 (71)	3 (13)	4 (17)	19 (79)	4 (17)	1 (4)
Police (c.o.)	33 (83)	6 (15)	1 (3)	29 (62)	14 (30)	4 (9)	n.a.	n.a.	n.a.	33 (70)	11 (23)	3 (6)
Police (detective)	44 (61)	19 (26)	9 (13)	50 (49)	39 (38)	13 (13)	n.a.	n.a.	n.a.	68 (70)	29 (23)	6 (6)
Police (trooper)	12 (27)	17 (39)	15 (34)	26 (37)	28 (40)	16 (23)	n.a.	n.a.	n.a.	44 (59)	24 (32)	6 (8)

* The total number of positive, neutral and negative responses may vary between offices being rated. This is because respondents were asked to refrain from rating offices with which they had little or no contact.

Source: IPR&IC analysis

Twenty-three percent of the deputy assistant state's attorneys (csa) and 18 percent of the inspectors (csa) rated agency relations with the state's attorneys' office negatively.

Interestingly, agency relationships were rated negatively by a portion of survey respondents in all offices, yet these same respondents consistently indicated that their personal relationships with those same offices were much better, if not adequate.

For example, 83.3 percent of the assistant state's attorneys (csa) rated their relationships with the state's attorneys' offices positively, while 58.3 percent rated their agency's relationship with those same offices positively. Similarly, 100 percent of the inspectors (csa) rated their personal relationships with the state's attorneys' offices as positive; only 54.5 percent of this same group rated their agency relationship with the state's attorneys' offices as positive.

Table VII-6. Responses to Question No. 7 Rating Quality of Other Agencies' Work in Absolute Numbers (and in Percentages).

THOSE RESPONDING	OFFICES BEING RATED											
	C.S.A.'s Office			S.A.'s Office			State Police			Local Police		
	+	0	-	+	0	-	+	0	-	+	0	-
S.A.s	4 (67)	1 (17)	1 (17)	n.a.	n.a.	n.a.	5 (71)	1 (14)	1 (14)	5 (71)	2 (29)	0 (0)
A.S.A.s (c.s.a.)	n.a.	n.a.	n.a.	10 (83)	2 (17)	0 (0)	7 (58)	4 (33)	1 (8)	6 (50)	5 (42)	1 (8)
D.A.S.A.s (c.s.a.)	n.a.	n.a.	n.a.	10 (77)	3 (23)	0 (0)	4 (40)	5 (50)	1 (10)	3 (30)	5 (50)	2 (20)
A.S.A.s (j.d.)	18 (41)	12 (27)	14 (32)	n.a.	n.a.	n.a.	23 (53)	16 (37)	4 (9)	19 (41)	22 (48)	5 (11)
D.A.S.A.s (j.d.)	8 (67)	2 (17)	2 (17)	n.a.	n.a.	n.a.	10 (67)	5 (33)	0 (0)	8 (50)	6 (38)	2 (13)
Inspectors (c.s.a.)	n.a.	n.a.	n.a.	9 (90)	1 (10)	0 (0)	10(100)	0 (0)	0 (0)	8 (80)	1 (10)	1 (10)
Inspectors (j.d.)	8 (40)	5 (25)	7 (35)	n.a.	n.a.	n.a.	18 (72)	6 (24)	1 (4)	16 (64)	7 (28)	2 (8)
Police (c.o.)	27 (79)	7 (21)	0 (0)	27 (53)	7 (14)	17 (33)	n.a.	n.a.	n.a.	22 (48)	21 (46)	3 (7)
Police (detective)	40 (62)	21 (32)	4 (6)	55 (55)	26 (26)	19 (19)	n.a.	n.a.	n.a.	50 (50)	42 (42)	8 (8)
Police (trooper)	10 (43)	6 (26)	7 (30)	35 (52)	20 (30)	12 (18)	n.a.	n.a.	n.a.	45 (63)	23 (32)	4 (6)

* The total number of positive, neutral and negative responses may vary between offices being rated. This is because respondents were asked to refrain from rating offices with which they had little or no contact.

Source: LPR&IC analysis

Table VII-7. Responses to Question No. Nine Rating How Other Agencies Would Rate Quality of Work of Respondents' Agency in Absolute Numbers (and Percentages).

THOSE RESPONDING	OFFICES BEING RATED											
	C.S.A.'s Office			S.A.'s Office			State Police			Local Police		
	+	0	-	+	0	-	+	0	-	+	0	-
S.A.s	5 (83)	1 (17)	0 (0)	n.a.	n.a.	n.a.	6 (86)	0 (0)	1 (14)	6 (86)	1 (14)	0 (0)
A.S.A.s (c.s.a.)	n.a.	n.a.	n.a.	5 (42)	5 (42)	2 (17)	9 (69)	4 (31)	0 (0)	8 (62)	4 (31)	1 (8)
D.A.S.A.s (c.s.a.)	n.a.	n.a.	n.a.	7 (54)	3 (23)	3 (23)	5 (50)	5 (50)	0 (0)	5 (50)	5 (50)	0 (0)
A.S.A.s (j.d.)	20 (44)	19 (42)	6 (13)	n.a.	n.a.	n.a.	24 (55)	20 (45)	0 (0)	29 (66)	15 (34)	0 (0)
D.A.S.A.s (j.d.)	11 (79)	2 (14)	1 (7)	n.a.	n.a.	n.a.	12 (75)	3 (19)	1 (6)	12 (75)	3 (19)	1 (6)
Inspectors (c.s.a.)	n.a.	n.a.	n.a.	8 (73)	3 (27)	0 (0)	11(100)	0 (0)	0 (0)	10(100)	0 (0)	0 (0)
Inspectors (j.d.)	16 (73)	5 (23)	1 (5)	n.a.	n.a.	n.a.	19 (76)	5 (20)	1 (4)	20 (80)	4 (16)	1 (4)
Police (c.o.)	35 (78)	9 (20)	0 (0)	31 (67)	13 (28)	2 (4)	n.a.	n.a.	n.a.	28 (61)	16 (35)	2 (4)
Police (detective)	39 (64)	18 (30)	4 (7)	73 (71)	25 (24)	5 (4)	n.a.	n.a.	n.a.	79 (76)	23 (22)	2 (2)
Police (trooper)	4 (17)	10 (42)	10 (42)	43 (61)	25 (35)	3 (4)	n.a.	n.a.	n.a.	53 (72)	16 (22)	5 (7)

Source: LPR&IC analysis

Table VII-8. Responses to Question No. 10 Rating the Degree of Trust Respondents Have in Other Agencies in Absolute Numbers.

THOSE RESPONDING	OFFICES BEING RATED											
	C.S.A.'s Office			S.A.'s Office			State Police			Local Police		
	+	0	-	+	0	-	+	0	-	+	0	-
S.A.s	3 (50)	3 (50)	0 (0)	n.a.	n.a.	n.a.	6 (86)	1 (14)	0 (0)	7 (100)	0 (0)	0 (0)
A.S.A.s (c.s.a.)	n.a.	n.a.	n.a.	10 (83)	2 (17)	0 (0)	7 (54)	5 (38)	1 (8)	7 (54)	5 (38)	1 (8)
D.A.S.A.s (c.s.a.)	n.a.	n.a.	n.a.	11 (85)	2 (15)	0 (0)	5 (56)	2 (22)	2 (22)	4 (44)	4 (44)	1 (11)
A.S.A.s (j.d.)	20 (44)	6 (13)	19 (42)	n.a.	n.a.	n.a.	28 (61)	15 (33)	14 (9)	25 (54)	15 (33)	6 (13)
D.A.S.A.s (j.d.)	8 (73)	1 (9)	2 (18)	n.a.	n.a.	n.a.	13 (81)	2 (13)	1 (6)	11 (69)	4 (25)	1 (6)
Inspectors (c.s.a.)	n.a.	n.a.	n.a.	10 (91)	0 (0)	1 (9)	10 (91)	1 (9)	0 (0)	9 (82)	1 (9)	1 (9)
Inspectors (j.d.)	13 (59)	4 (18)	5 (23)	n.a.	n.a.	n.a.	18 (72)	6 (24)	1 (4)	17 (68)	3 (12)	5 (20)
Police (c.o.)	39 (96)	1 (2)	1 (2)	34 (72)	12 (26)	1 (2)	n.a.	n.a.	n.a.	20 (44)	18 (40)	7 (16)
Police (detective)	54 (74)	12 (16)	7 (10)	58 (56)	27 (26)	18 (17)	n.a.	n.a.	n.a.	40 (39)	41 (40)	22 (21)
Police (trooper)	27 (63)	12 (28)	4 (9)	46 (67)	15 (22)	8 (12)	n.a.	n.a.	n.a.	40 (54)	19 (26)	15 (20)

* The total number of positive, neutral and negative responses may vary between offices being rated. This is because respondents were asked to refrain from rating offices with which they had little or no contact.

Source: LPR&IC analysis

Finally, a large majority of survey respondents rated the quality of their own agency's work very well. Table VII-9 summarizes the responses to the survey question that asks respondents to rate the quality of their own work.

Table VII-9. Responses to Question No. Eight on How Respondents Rate The Quality of Their Own Agency's Work in Absolute Numbers (and Percentages).

	Excellent 1	2	3	4	Poor 5
<u>State's Atty's Offices</u>					
State's Attorneys	3 (43%)	4 (57%)			
A.S.A.s	11 (25%)	31 (71%)	2 (4%)		
D.A.S.A.s	5 (33%)	9 (60%)	1 (7%)		
Inspectors	11 (44%)	10 (40%)	3 (12%)	1 (4%)	
<u>C.S.A.'s Office</u>					
A.S.A.s	4 (29%)	8 (57%)	2 (14%)		
D.A.S.A.s	10 (71%)	4 (29%)			
Inspectors	4 (36%)	6 (55%)	1 (9%)		
<u>State Police</u>					
Commanding Officers	18 (38%)	25 (53%)	3 (6%)	1 (2%)	
Detectives	35 (38%)	42 (45%)	16 (17%)		
Patrol Troopers	23 (35%)	25 (38%)	16 (24%)	2 (3%)	

Provided for at the end of all surveys was a space where respondents could include written comments having to do with the issues addressed in the survey. Of the 366 surveys returned, 101 included one or more comments.

The following typology in Figure VII-1 summarizes the comments that were made into nineteen types of statements. The numbers in parentheses following each comment represents the frequency of the comment. Appendix G shows the frequency of these statements by job title and years of service.

Figure VII-1. Typology of Criminal Justice Survey Comments.

1. Relations/performance varies between locations, units, or positions. (30)
 2. Criminal Justice Commission generally works well; personal experiences have been good. (19)
 3. Comments about the survey; e.g., questions are too general. (14)
 4. Other; e.g., suggestions about survey analysis, comments about the Speers' case, compliments on specific persons/locations. (13)
 5. Problems are limited to upper levels in agency(cies). (12)
 6. C.S.A.'s office is not supporting the S.A.'s offices; C.S.A. is too close to state police. (12)
 7. Problems are with specific people or locations. (10)
 8. Morale is low or nonexistent. (10)
 9. Lack of resources/staff; staff overworked. (8)
 10. Poor relations/communications between the C.S.A.'s office and the S.A.'s offices. (8)
 11. Present C.S.A.'s personality/perspective is a problem; e.g., is power hungry, arrogant, etc. (8)
 12. Communications problems exist between agencies. (5)
 13. S.A.'s offices have varying procedures and requirements. (5)
 14. Problems exist with information flow between S.A.'s offices and the S.P.; e.g., S.A.'s don't inform S.P. about status of cases, S.P. withhold information in investigations. (5)
 15. S.P. have too much investigatory power; the primacy of the Division of Criminal Justice is not being recognized. (5)
 16. C.S.A. is too powerful; not enough autonomy in the S.A.'s. (4)
 17. Not enough job experience for answers to be meaningful. (4)
 18. Too much plea bargaining exists; not enough extradition. (3)
 19. Political motivations are a problem. (1)
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APPENDICES

APPENDIX A
FORMER SIB INFORMANT GUIDELINES

Statewide Narcotics Task Force

The Statewide Narcotics Task Force (SNTF), established in July 1977 by the General Assembly, combined the former regional narcotics squads with the state police narcotics division. Local and state police officers were assigned together within a permanent enforcement agency that is divided into 5 field offices and a central administrative office. SNTF has a legislative mandate for the cooperative enforcement of the laws concerning the manufacture, distribution, sale and possession of narcotics and controlled substances.

A SNTF policy board formulates, directs and supervises the unit's policies and operating procedures. There are nine members on the board, including the Commission of Public Safety, Chief State's Attorney, Connecticut DEA Agent-in-charge, president of Chiefs of Police Association, and 5 police chiefs.

The SNTF informant policy was comprised of three documents SNTF Order number 9, dated January 21, 1983, Addendum number 1, dated October 28, 1985, and sections of the SNTF Standard Operating Procedures Manual, (sections 7.0- 7.11 and 8.7- 8.13), approved October 22, 1987. The SNTF policy on informants stated the SNTF Intelligence Section, within the Task Force, maintain a record on all informants, including all information on the informant's activities while working with SNTF. The informant's activities were recorded on either an Incident Card for initial investigations or a Supplement Card for additional activities on the investigation. The information was compiled and a monthly computerized report was produced listing the informant by code number, the case number the activity was related to, date, town code, and the investigating officer.

The SNTF policy set forth several guidelines for its investigators, such as:

- o the investigator was responsible for ascertaining whether an informant had any pending criminal charges;
- o if charges were pending, the investigator was responsible for notifying the prosecutor handling the case that the defendant had approached the investigator as an informant; and
- o investigators were not to become personally involved with informants.

The policy set guidelines on the recruiting of informants,

establishing the credibility of informants, recording and filing procedures, payment guidelines, the investigator and informant relationship, and the investigative use of informants.

Statewide Organized Crime Investigative Task Force

The Statewide Organized Crime Investigative Task Force, established by the General Assembly in July 1973, is mandated to reduce the level of organized criminal activity in the state through the use of investigation and enforcement of laws pertaining to racketeering, organized crime, and the conduct of public officials and employees. In its daily operation, SOCITF has intelligence-gathering functions and focuses its investigative work on illegal gambling.

The unit is comprised of state police personnel, and has statewide jurisdiction.

SOCITF Order, number 85-08, dated September 25, 1985, addressed the issue of establishing a reliable and secure system for recording the identity and use of informants. The order established an informant file to protect both the investigator and the informant from unfavorable allegations, and provided for the establishment of the informant's reliability. The order further listed five guidelines for the use of informants as:

- o the informant will be assigned a number and recorded on an informant card;
- o informants will be referred to by their number in all reports;
- o a file shall be retained on each informant;
- o a SOCITF investigator, with the supervisor's approval, may review the informant files; and
- o the file shall not contain any identifying information, only the commanding officer shall release such information.

Criminal Intelligence Unit

The Criminal Intelligence Unit was statutorily created with a broad mission statement for the investigation of criminal activity throughout the state. The unit primarily has two functions: it is the technical mechanism for all court ordered wiretaps, and the unit develops intelligence on persons who may be involved in or planning crimes, especially in areas of terrorism or civil disorder. In this capacity, the unit is the department's liaison with private, public and military agencies involved in similar work. Criminal Intelligence Unit also maintains records and back-up tapes for all state wiretaps.

The unit is staffed by state police personnel.

The CIU order, number 0-9, dated June 19, 1986, addressed the issue of the use of informants by listing six guidelines. The order set forth the following:

- o all informants must be approved by the commanding officer;
- o informants are assigned identification numbers;
- o a master file on informants shall be maintained by the commanding officer;
- o informants are not authorized to commit illegal acts under the direction of unit personnel;
- o unit personnel must have the "express permission" of the commanding officer to meet with an informant; and
- o development of informants is encouraged.

APPENDIX B

January 29, 1988

The Connecticut State Police Informant Policy was finalized on January 28, 1988 and will be disseminated to each member of the Department shortly as a change to the Administrative Manual.

That policy has been carefully developed over a period of almost five months. The first step consisted of soliciting the needs and ideas of representatives of all branches of the State Police Department likely to deal with informants. A first draft was then put together, circulated and reviewed. Various members of the department then provided valuable input which resulted in substantial revisions.

It became apparent that the policy was one of very broad application and was likely to effect a great number of citizens, either in the capacity of informants or as the subject of information provided by informants. For that reason, and because we did not want a product representative of the viewpoints of law enforcement officers exclusively, it was decided that input should be solicited from the broadest spectrum of society available. Accordingly we solicited the assistance of several people not employed by the State Police. Included were the State's top prosecutor, a well known defense attorney, a long standing and well respected police chief, business executives and representatives of the electronic media, the print media and the wire service.

A meeting of department members and those persons outside the department resulted in a very productive and lively discussion of the policy. Several changes were made and another draft was circulated to the participants.

A second similar meeting was held on January 28, 1988 which resulted in further discussion and a few small changes. The resulting policy was adopted the next day and will be promulgated shortly.

CONNECTICUT STATE POLICE
INFORMANT POLICY
1/29/88

This policy is designed primarily for dealing with those persons who provide information on more than one occasion and for dealing with persons who provide or offer to provide information in return for some type of compensation or consideration.

I. THE NEED FOR INFORMANTS

The need for informants and their information in law enforcement is beyond dispute. Exposure to the risks inextricably connected with informant development and use is, therefore, unavoidable. Those risks must be continuously and vigilantly managed in order to minimize the variety of adverse consequences which might otherwise result.

Informants are necessary in many instances not only in solving crimes but also in learning of the very existence of ongoing and completed criminal activity. Many crimes which have a significant adverse effect upon society as a whole have no identifiable, individual victim who would be motivated to initiate a criminal complaint. For example, so long as all participants in certain criminal enterprises honor their commitments to one another, all achieve their expected result and none

is motivated to summon the police. Absent a problem with either product or payment, no one engaged in drug cultivation, manufacture, distribution or use will inform the police of that activity. Similarly, no one engaged in corruption, neither those who pay for improper influence nor those who receive the money, will inform the police of the existence of that criminal activity. The same is true of other criminal activity commonly, but erroneously, denominated "victimless," such as gambling and prostitution.

Another class of criminal activity which often does not come to the attention of law enforcement except through informants involves victims who are prevented from complaining because of their age (both very young and very old), their health (both physical and mental) or influence, threats or intimidation exerted upon them by others. Included in this class of crimes are child abuse and exploitation, other domestic violence, swindling of elderly people, blackmail and extortion, the all too commonplace felonious infliction of personal injuries upon prison inmates and residents of mental institutions and the pervasive and pernicious activities of organized crime.

Just as informants are thus essential, if the mere

existence of some serious criminal activity is to become known, so too are they indispensable in the solution of those crimes and countless others. Without information, police cannot investigate effectively and cannot develop the evidence necessary under our system to make arrests and secure convictions. This is especially true in the search for missing and exploited children. Law enforcement will never have sufficient resources to search for and find these children without that vital information. In some totalitarian countries where Governmental agents have unrestricted access to citizens, their houses, their papers and their possessions and can exert whatever mental and physical coercion they choose upon people to extract information, the need for informants is very much less. In the United States the very substantial guarantees of individual rights and severe constraints upon Governmental power render much more essential the voluntary provision of information by informants.

II. CONTROL OF INFORMANTS

The need for informants, as obvious and indisputable as it is, does not in any way reduce the obligation to vigilantly monitor and closely control the conduct of informants. History is replete with examples of

inappropriate behavior by informants, which leads to a broad spectrum of adverse consequences. Officers have been killed and injured, investigations have been thwarted, prosecutions have been lost, citizens rights have been violated, the reputations of citizens, individual officers and entire police departments have been adversely affected and the ability to develop and keep informants has been negatively impacted, all because of informant misconduct.

To minimize those consequences, the relationship with and conduct of informants must be carefully controlled. Some informant misconduct is easily predictable based upon the informant's motivation and some misconduct is much more difficult, or even impossible to predict. There are as many different combinations of motivations as there are informants, but some patterns have clearly emerged through the years. Identifying an informant's motivation enables law enforcement officers to better evaluate the risk of various types of informant misconduct.

A very few informants are motivated by their conscience and their perception of the duties of all good citizens. All other informants are motivated by a desire to obtain in return for their cooperation

something of value to them. Sometimes that valuable consideration is money and sometimes it is a form of leniency in a pending prosecution or pending investigation from which a prosecution is expected to result. Occasionally the desired benefit to the informant is the incarceration of one or more persons for personal reasons. The informant may be seeking revenge for a past wrong, or he may be attempting to remove from the community a person from whom he fears violence, or he may be trying to put out of business someone with whom he is in some type of competition. The remaining recurring motivation of persons willing to serve as informants is the manipulation of law enforcement. Sometimes they attempt to divert investigations away from themselves and their associates. On other occasions their objectives are to identify undercover police officers, to learn the investigative methods of law enforcement, and to learn the status of a particular investigation so that aspects of criminal conduct known to police can be abandoned and so that those aspects not yet known to police can be better protected from discovery. Those manipulative informants pose a very significant danger both to the personal safety of law enforcement officers and to the success of major

criminal investigations.

Understanding those motivations and having in mind the dangers of various forms of informant misconduct, Troopers must exercise tight control over the relationship with and conduct of informants from beginning to end.

If a person is to serve as an informant, it is important that the trooper dealing with him or her solicit a substantial amount of information from the prospective informant and perform certain independent verifications.

After stressing the importance of truthfulness and explaining that it is an absolute prerequisite to a continuing informant relationship, the officer should attempt to determine from the prospective informant:

- 1) Complete criminal record.
- 2) Pending prosecutions and civil cases.
- 3) Pending investigations in which the prospective informant is involved in any capacity.
- 4) History of mental illness or treatment.
- 5) Testimonial history.
- 6) Informing history with names of all law enforcement officers involved.

7) Alcohol and drug use.

Because the informant is the source of that information, the trooper shall at the first reasonable opportunity independently determine from objective sources as much of that information as possible.

The Trooper should also record a detailed physical description of the informant. In some cases it may be beneficial to obtain a current photograph of the informant and a set of fingerprints, if they are not already on file. If, however, the request for a photograph and/or fingerprints would terminate or materially damage the informant relationship, a trooper may use his discretion and omit the request. In cases where there is reason to doubt the truthfulness of an informant's information or to question the sincerity of his expressed motivation, it may be appropriate to require a sworn written statement from him.

There should be no ambiguities in the relationship. Clear and unmistakable rules governing informant conduct should be established and clearly communicated to the informant by the trooper before the informant begins to work. Those rules should be periodically reinforced by the trooper, and amended as necessary, as the relationship proceeds.

The Trooper must make sure that the informant recognizes that the trooper is in charge at all times and that the informant obeys the following instructions: The informant will immediately report all relevant facts to the trooper. He will fabricate nothing. He will withhold nothing. He will not shade the truth. Those reports will be made only by the method previously prescribed by the trooper. The informant will perform only acts previously approved by the trooper. He or she will do so only at the time and in the manner previously approved. No self-initiated investigative activity will be conducted by the informant. The informant will immediately report to the trooper any contact he may have of any nature in any capacity with any other law enforcement officers. The informant will reveal his status and activities as an informant to no one. The informant will reveal to no one the identity of any law enforcement officer, the existence, nature or content of any investigation, or the methods or investigative techniques of law enforcement, unless he or she is ordered to do so by a Judge.

Depending upon the lifestyle of the informant and the nature of the investigation, it may be appropriate

to discuss with the informant certain types of non-criminal conduct including but not limited to consumption of alcohol and carrying of weapons. The trooper should communicate clearly to the informant any appropriate instructions in this area.

In criminal investigations there may be circumstances in which it is appropriate to equip an informant with a radio transmitting device and/or a tape recorder. Whenever such a device is used, the valid, voluntary consent of the informant, either written or witnessed by two officers, should first be secured.

All Federal and State constitutional and statutory law should be carefully followed in the use of transmitters and tape recorders.

The benefits of the use of such a device in each situation should be weighed against the dangers they present. The primary benefits are:

- 1) The safety of the informant, police officers and innocent bystanders will be better protected. The informant is provided with a means of summoning help in an emergency and police officers monitoring the informant are able to perceive and respond to an emergency even when the informant is unable to

call for help.

2) Despite a trooper's best efforts to control an informant, the informant may deliberately misrepresent a conversation, inadvertently misrepresent a conversation or forget part of a conversation. The use of a radio transmitter and/or a tape recorder will protect persons who have dealings with the informant by insuring that their words are not misrepresented or forgotten.

3) Because the informant is aware of and has consented to the use of the device, he will have an added incentive to accurately and completely report what he has heard.

4) The words of the informant will be accurately recorded, just as the words of people with whom he or she deals are recorded. If an innocent person has been entrapped, he or she will have the evidence necessary to avoid conviction. On the other hand, the State's Attorney will have the evidence necessary to defeat invalid claims of entrapment.

The danger presented by the use of a radio transmitting device and/or tape recorder is that it may be discovered by a person with whom the informant deals.

Such discovery is a very real danger because criminals are becoming increasingly sophisticated and have available state of the art electronic devices. More and more criminals are searching their associates, especially suspected informants, both physically and with electronic countermeasures.

In each instance, therefore, the trooper must carefully weigh the benefits against the dangers. Before equipping an informant with a radio transmitter and/or a tape recorder, the trooper shall discuss all relevant facts with his or her supervisor. The devices will be used only if the supervisor approves, and they shall be used in strict compliance with all laws.

III. CRIMINAL CONDUCT BY INFORMANTS

Regardless of the importance of the information provided by an informant, regardless of the number and frequency of occasions on which he or she provides information and regardless of the magnitude of the investigation in which the informant is participating, the trooper must make it entirely clear to the informant that he or she is not immune from arrest or prosecution. The Trooper must make clear to the informant that criminal conduct may result in arrest and prosecution, just as it might for anyone else. However, so long as

no investigation or prosecution would be compromised, the trooper may agree to truthfully describe, at the informant's request, to a prosecutor, court or other forum the history and value of the informants work. The purpose of such a request would be to seek some form of credit in his prosecution for work as an informant.

It is recognized, however, that there will be occasions on which informants do engage in criminal conduct. Sometimes circumstances will leave them no choice but to be present at the scene of, and perhaps even participate in, criminal activity. As criminals have become more sophisticated in recent years, they have increasingly adopted the tactic of demanding that new associates, particularly persons that they suspect of being law enforcement officers or informants, be present at or participate in some criminal act, purportedly to disprove any law enforcement connection. A crime commonly used in this regard is the "muling" or transporting of a quantity of narcotics. In some cases the result of a refusal to participate is death.

The trooper must make it very clear to the informant that he or she is obligated to report to the trooper by the prearranged method all such criminal activity witnessed or engaged in at the first possible moment.

There will also be some rare instances in which a trooper may be forced by rapidly unfolding circumstances or by the nature of the investigation to authorize the informant to engage in certain criminal activity that is not likely to result in serious injury to any person or serious damage to property. The trooper should consult his supervisor for approval before authorizing such activity if at all possible. The guidelines of this policy and the trooper's training and experience should enable him to make an appropriate decision.

Some examples of properly approved criminal activity, although far from comprehensive, are listed below:

- 1) A trooper is a passenger in an informants' car, driving around an urban area, in an attempt to identify a robber. The informant knows the robber only by nickname, but he also knows his distinctive automobile. The informant sees the car in motion two blocks away. The only way they can get close enough to observe the registration plate is to go through a red light and proceed the wrong way down a one way street. So long as no traffic is coming, the trooper should permit the informant to violate those traffic laws and

the trooper should obviously not issue a summons.

- 2) An informant working with the Statewide Narcotics Task Force indicates that he can buy "crack" from a school janitor who is selling it to high school students. The janitor will not make a sale if anyone he does not know to be a student is present. The trooper should check with his supervisor and the supervisor should authorize a controlled buy from the janitor by the informant. During that operation the informant will obviously be in possession of cocaine. That conduct should be authorized.

- 3) A trooper is told by an informant that he has been offered \$200.00 to drive a stolen Mazda to a body shop in Bridgeport. He does not know where the body shop is, because he will be following another car to the destination. The trooper should check with his supervisor if time permits and the operation of the stolen car should be authorized to learn the location of the body shop. Supervisors should consult with prosecutors in the location of the proposed criminal activity for guidance in unusual cases.

It is imperative that troopers make it absolutely

clear that any such authorizations of criminal activity are limited to their precise terms, dates, times and locations. The conduct cannot be increased in scope or repeated.

Troopers should employ available safeguards to prevent informant misconduct and to minimize the adverse consequences of such misconduct. Information provided by an informant about his or her background and lifestyle should be independently verified. Informants should be exposed to undercover officers only when absolutely necessary and they should be exposed to only the minimum number of undercover officers required to achieve the mission. The age, maturity, life experience, mental status and emotional status of an informant should be kept in mind at all times. The informant's motivation should be constantly evaluated. No informant conduct which would legally constitute entrapment should be approved. Entrapment is a complex and fluid legal concept. Questions as to whether certain contemplated informant conduct would constitute entrapment may be referred to the appropriate State's Attorney. Troopers should constantly be vigilant to detect any such conduct or the fabrication of evidence by an informant. Extra care should be exercised in this

regard whenever the trooper recognizes that the informant feels desperate to produce results for any reason.

IV. CONSEQUENCES OF MISCONDUCT

Once all of the rules for informant conduct contained in this policy have been made clear and any additional rules particularly appropriate to the case at hand have been established, the trooper should make clear to the informant, and the informant should fully understand, the consequences of any informant misconduct. Depending upon the circumstances of the particular misconduct, any combination of the following sanctions may be imposed:

- 1) The informant status will be terminated.
- 2) Representations regarding confidentiality of informant and non-disclosure of his or her identity will no longer be binding.
- 3) Consideration already delivered or performed may be retrieved to the extent possible.
- 4) Representations of future consideration will no longer be binding.
- 5) The misconduct will be investigated and appropriate prosecutions or civil actions may be sought.

V. CONSIDERATION GIVEN TO INFORMANT

Just as a clear agreement must be reached with regard to what the informant will do for the Trooper, so, too, must both parties understand what the Trooper will do for the informant.

The trooper will safeguard the informant's identity. It will be known only to those law enforcement officers having a clear need to know it, and to the Trooper's superior. The trooper will cause the informant's name, identification data, and assigned code to be entered in the unit's informant file. The file shall be physically secured against unauthorized entry and shall be accessible to only the unit commanding officer or his designee. All references to the informant in reports shall be to the assigned code. All contacts with the informant shall be documented. To the extent that the informant's identity must be revealed to a third party (e.g. a prosecutor) to fulfill a promise of consideration, that will be done. No absolute promises of anonymity will be made that cannot be fulfilled. Troopers will attempt to structure investigations in such a way that informants are not material witnesses to criminal activity which will be prosecuted, so that their identity need not be disclosed. However, under

circumstances in which there is a real possibility that an informant may be required to testify, the trooper should inform him or her of that possibility.

Many informants seek financial compensation. Troopers are not authorized to make payments on their own initiative to informants either from department funds or their own funds. No informants will be put on salary or retainer. Informants may provide information in the hope of securing financial compensation. Such compensation shall be authorized only by commanding officers and only when the information has been verified as to both accuracy and completeness. All such payments shall be made from only those accounts properly designated for that purpose. The amount of compensation shall take into account both the difficulty and danger of securing it and the value of the information to law enforcement. Each payment shall be witnessed by two officers and carefully documented as to amount, recipient and justification. The informant shall be identified by assigned code. A receipt shall be obtained from the informant and, in cases where the trooper deems it necessary, one of the informant's fingerprints shall be affixed to the receipt. All records related to every informant payment shall be

retained. The Bureau or District Commander shall audit all such payments annually. In addition the Auditors of Public Accounts carefully examine all expenditures to informants during each of their periodic audits of the State Police.

Many informants seek leniency or special treatment from the criminal justice system for themselves or a friend or relative. In such cases the trooper must be careful to explain exactly what can be done and exactly what cannot be done. The Trooper must explain that under Connecticut law police officers have no authority to nolle charges, dismiss charges, enter into plea negotiations, grant parole or probation or modify sentences. A trooper may, however, agree to truthfully describe to any person or forum, the nature, extent, results and value to law enforcement of the informant's activity, so long as no ongoing investigation would thereby be compromised.

Troopers shall not agree not to further investigate or not to seek an arrest for as yet uncharged criminal conduct by the informant which comes to their attention without first securing the agreement of a prosecutor.

Just as it is vital to law enforcement that

informants behave as instructed, so too is it essential that law enforcement officers honor those commitments that they have made. If it should become known that an officer wrongfully revealed an informant's identity or failed to provide agreed upon consideration, the informant involved and other current informants of all law enforcement agencies would reconsider their roles and future efforts to develop valuable informants would be significantly hampered.

APPENDIX C

INFORMANT POLICIES OF OTHER JURISDICTIONS

In analyzing the state police informant policy, program review staff reviewed informant policies of other law enforcement agencies, including the Federal Bureau of Investigation (FBI), New York City Police Department (NYCPD), Los Angeles Police Department (LAPD) and San Diego Police Department (SDPD). Each have written, department-wide informant policies that are very similar. These policies dictate specific procedures and forms that police officers are required to follow in using informants.

Due to the similarity in the policies, the LPR&IC has extracted the basic procedures and guidelines and produced a general description of the informant policies. Any differences in the policies will be specifically noted and those policies providing more detail in areas will also be addressed.

In researching the use of informants, the committee has identified the topics that comprehensive policies address. The topics are as follows:

- o motivation and initiation of an informant;
- o centralized filing system;
- o supervision of officers using informants;
- o informant participation in crime;
- o consideration/payment;
- o officer and informant relationship; and
- o termination of informants.

Motivation and Initiation of an Informant

Motivation and initiation of an informant are grouped together because based on research it appears to be a common feeling throughout law enforcement that informant motives must be known prior to the receipt of informant information. Informant policies must address the motives behind a person becoming an informant; however, it is not enough to list those motives. A system for identifying the motives must be implemented.

The FBI and New York City, Los Angeles and San Diego Police Departments' informant policies have implemented such a system. For the purpose of this discussion, the FBI term of a "suitability stage" will be used.

A "suitability stage" requires a person be investigated and interviewed to determine that he is suitable for use as an informant, and that the information likely to be obtained or operational assistance to be provided is pertinent to authorized investigative activity or law enforcement responsibilities.

An officer must obtain permission from his immediate superior officer to begin proceedings to register a person as an informant. The superior officer has the authority to deny the request.

After obtaining authorization, the officer compiles all pertinent background information on the informant. A check of the informant files' inactive and unsatisfactory categories is made. (A discussion of these categories is found in the centralized filing system section).

Departmental forms, which make up the initial informant file, are used. The forms provide a dual purpose by acting as checklists and instructions to ensure officers complete this step and provide for a uniform recording system of information and data.

The type of information obtained can include the following:

- o names of the officer assigned to work with the informant, an alternate officer assigned to the informant, and the superior officer(s) who interviewed and approved the informant;
- o physical description of and pedigree information on the informant and, if possible, photographs;
- o explanation of the informant's motivation, including all financial agreements;
- o criminal history of informant, including names of prosecutors and probation information;
- o drug and gambling habits of informant;
- o types of criminal activity and geographical area the informant is knowledgeable in;
- o an authentic signature card stating the informant's true name, code name and identification number;
- o explanation of anticipated level of arrests based on the information; for example, street pusher, bundleman, ounce man, wireroom, policy bank, organized crime figure, etc.;

- o detail of debriefing session, including names of all present;
- o detail of objections raised by other agencies or prosecutors to the use of the person as an informant; and
- o detail on past affiliations as an informant.

A preliminary inquiry, also called a debriefing, concerning the proposed informant is conducted by the officer and a superior officer. The inquiry is used only to assess suitability and not to develop information concerning the individual or for the purpose of inducing him to become an informant. Any lawful investigative technique, except any technique requiring a finding of probable cause or requiring a warrant, can be used.

A member of the department's intelligence and analysis unit is also present during the debriefing. This unit and its functions will be discussed in this section.

A prosecutor can be present in instances when the informant is dealing with a specialized unit that has staff prosecutors or when there are questions as to the legality of the informant's proposed actions. A prosecutor is always informed and may be present during inquiry of an informant who is also a criminal defendant.

The officer prepares a complete report of the debriefing containing an explanation of informant's motivation and all pertinent intelligence provided is submitted in a standardized format along with the background information to the investigation and analysis section. The report provides justification for classifying the subject as an informant. The standardized format again provides a uniform reporting procedure and is a check that all steps have been taken by the officers.

The report is submitted to a superior officer who makes findings of suitability and pertinence. In no case will an informant be activated without the approval of a superior officer. In making this determination, the superior officer weighs and considers certain factors relating to the informant, information and the investigation. The FBI informant policy lists several factors used in determining suitability, as follows:

- o the nature of the matter under investigation and the importance of the information or assistance being furnished;
- o the seriousness of past and contemporaneous criminal activity of which the informant...may be suspected;
- o the motivation of the informant..., including

any consideration sought from the government for his cooperation;

- o the likelihood that the information or assistance which an informant...could provide is not available in a timely and effective manner by less intrusive means;
- o the informant's... reliability and truthfulness, or the availability of means to verify information which he provides;
- o any record of conformance by the informant... to Bureau instructions and control in past operations; how closely the Bureau will be able to monitor and control the informant's... activities insofar as he is acting on behalf of the Bureau;
- o the risks that use of informants... in the particular investigation may intrude upon privileged communications, or inhibit the lawful association of individuals or expression of ideas; and
- o any risk that use of informants... may compromise an investigation or subsequent prosecution, including court-ordered disclosures of identity which may require the government to move for dismissal of the criminal case.

If a person is found not suitable to be used as an informant, any information collected about that person during the preliminary inquiry without the consent of the person is destroyed, unless it is or may become pertinent to authorized investigative activity or the person is a potential witness in a criminal prosecution. When maintaining any of the information, a written determination with explanatory facts and circumstances is kept in an investigative case file. The file is reviewed periodically by a supervisory officer or field supervisor.

The FBI has set a time limit of 120 days in which to complete all the required steps of the "suitability stage." The period begins with the first request by an agent to register a person as an informant. The time limit can be extended with authorization from FBI Headquarters.

Central Filing System

Good record keeping is a key practice and an important element in a professional law enforcement agency. Good information and an efficient collection and redistribution system contribute to the effectiveness of police services. Therefore, it

is essential that every phase of an informant relationship from initiation to termination have a record keeping activity.

Standardized, departmental forms are a way to ensure all record keeping is performed in a consistent manner. Police agencies rely on forms for the majority of their work; from traffic tickets to investigative reports. The use of informants is an investigative technique that is not exempt from uniform reporting by all officers who use it.

The intelligence and analysis unit discussed in this section is a generic name for the unit meant to describe its functions rather than to require a specific title to the unit. The unit operates under the basic principles of most law enforcement intelligence units.

An intelligence and analysis unit has the function of maintaining informant files and information in a centralized system. The files are kept separate from any other information files. The unit is staffed by officers, intelligence and crime analysts and a director/commanding officer. The unit is not under the supervision of any one investigative unit, but is part of the larger investigative bureau. This allows for independence by the director/commanding officer from middle-management officers.

The director/commanding officer is responsible for the administration of the informant program and files. Dissemination of informant information is done only with his authorization, which is based on the requesting officer's need to know the information. The director/commanding officer is also responsible for the proper debriefing of informants; establishing special debriefing teams and interrogation techniques; and providing staff assistance to field units. However, the commanding officers of the units registering informants are responsible for all operational decisions.

The informant files contain all available data concerning the informant's background and motivation, photographs, debriefing reports, submitted reports of all informant contact by officers, payment vouchers or reports of consideration given, and all other pertinent documentation. A signature card giving the informant full and true name, code name, and informant registration number and witnessed by an officer and superior officer is also contained in the file. These files and all forms are referenced by informant registration numbers, not names.

The files are separated into three categories: active, inactive and unsatisfactory. Active refers to informants who have been processed through all the required steps and are currently being used to provide information. The active status is maintained by periodic evaluation by the intelligence and analysis staff and by the commanding officer of the unit using the informant. This status also requires a showing of reliability of information and adherence to regulations on informant conduct.

Active informant files are periodically reviewed to determine the continued suitability of the informant and pertinence of the information provided. The FBI informant policy requires the active files be reviewed "at least every 90 days by a field supervisor and at least annually by FBI Headquarters."

"Inactive informants" is a self-explanatory term. The informants in the category are currently not being used and may or may not be reinstituted. An informant becomes "inactive" when he has not been utilized during a specified time limit. For example, LAPD has specified a three month time period, if during which the informant is not used he is "inactive." These files are also periodically evaluated and a purging system can be included in the evaluation process. For example, SDPD maintains inactive informant files for a period of five years before purging.

The category of unsatisfactory acts as a "black list" and ensures that officers will not unintentionally waste time or invest money in the particular informant's services. Informants found in this category cannot be instituted as active informants unless, with a showing of an exceptional circumstance, they are approved by a commanding officer. Criteria for classifying an informant as unsatisfactory was listed by LAPD as follows:

- o "acting in any way which would endanger the life of an officer;
- o revealing the identity of any office or the existence of an investigation to suspects at anytime;
- o attempting to use the department to further his own criminal objectives; and
- o alienating one police agency against another by giving false or misleading information to either or both agencies.

NOTE: "the mere unreliability of an informant would not necessarily qualify him for inclusion in the file."

Supervision of Officers Using Informants

The officer and informant relationship is open to misuse and corruption because it is a relationship that must occur in secrecy for it to work. Therefore, the relationship must be closely supervised for it to be an effective and beneficial resource to the police department. Administrative and operational supervision must occur at various levels in the chain of command.

As was previously stated, no informant can be activated without the authorization of a superior officer. Every other step and activity in the use of informants also requires authorization,

often times in the form of the signatures of superior officers on reports and documents.

A superior officer has direct control over the investigative direction his unit is taking, and as a tool in the investigations informants are also under his control. Superior officers make the operational decisions regarding informants. Officers cannot ask informants to participate in criminal acts, give payment or consideration, or meet with an informant without first discussing and obtaining approval from a superior officer. It is, therefore, essential that a superior officer be informed of all aspects and phases of informant use.

Superior officers are responsible for making the necessary provisions to provide for the integrity and confidentiality of the informant files under their control. This is one of the primary responsibilities for the commanding officer of an intelligence and analysis unit maintaining the central informant files. These superior officers monitor the availability of the files and allow access to only those officers in a relationship with an informant or having a direct need to know informant information. No other person, regardless of rank with the exception of appropriate commanding or executive officers, has access to the files without the express, written permission of the intelligence and analysis commanding officer.

Any person requesting any information concerning the identity of an informant or any information from which an informant might possibly be identified must submit a written request. The request must identify themselves and detail their need for the requested information. The request is submitted to the commanding officer maintaining the central informant files. The commanding officer then confers with the commanding officer of the unit utilizing the informant. Either commanding officer has the authority to withhold any or all information which might reasonably jeopardize either an on-going investigation or create a hazard to the informant. The written requests are placed in the informant's file along with details on what information was released.

An office utilizing an informant is not only subject to authorization from an immediate superior, but also those officers comprising the chain of command. Supervision occurs at various levels creating a system of checks and balances. For example, the NYCPD requires authorization to activate an informant from an officer's immediate superior officer, district commander, borough commander, and the borough enforcement division.

Reviewing informant files to determine pertinence and usability is also a responsibility of superior officers, especially those assigned to the intelligence and analysis unit. Reviews are scheduled for a specified period, as in LAPD policy of reviewing a file every three months. The purging schedule discussed earlier is also part of the superior's responsibilities.

Permission to activate an informant is initially given for a certain period; NYCPD uses an initial 60 day period with subsequent authorization for six month periods. At the conclusion of the period, an intelligence and analysis unit notice is sent to the officer and his superior. The officer is required to submit a report, through the proper channels, recommending renewing the informant's active status or placing the informant on inactive or unsatisfactory status.

The report includes reasons for the recommendation and a recapitulation of all arrests, seizures, and pertinent information to be credited to the informant and a record of all payment or consideration given. In the event the informant is authorized for renewal, the active status is maintained for a specified time limit; as stated above, NYCPD activates an informant for six month periods. On each occasion the informant's status is renewed for a subsequent time period, the informant is debriefed and any information developed since the last debriefing is filed in the informant's central filing folder.

LAPD informant policy sets out the responsibilities for each rank when dealing with informants as follows:

Detective's Responsibility

- o complete an investigator's final report on all criminal informants, obtain a photograph of the informant;
- o prepare an informant folder containing completed forms and related documents;
- o place the informant's code number on the folder;
- o submit informant folder to superior officer for review and approval;
- o during specified periods, review informant files and update information;
- o placing informants who the officer has had no contact with for a specified period of time in the inactive files; and
- o upon completion of the review process, submit the files to the superior officer for approval.

Superior Officer

- o review the informant folder for completeness;
- o complete the supervisor reviewing;

- o submit informant folder to the administrative lieutenant;
- o ensure that officers assigned to his unit make proper and timely entries in their respective informant folders;
- o during specified periods, ensure that the officers review their informant folders and update the information;
- o when an informant has been inactive for a certain period of time and an officer wants to activate that informant, ensure that the required process is followed; and
- o upon completion of the review process, indicate his approval for maintaining the present status of the informant and return the folder to the informant files.

Administrative Lieutenant's Responsibility

- o review the informant folder for completeness;
- o check the informant through the undesirable informant file;
- o complete an explanation of the use of the informant;
- o submit informant folder to the commanding officer for final review and approval; and
- o upon receiving the approved informant folder from the commanding officer, place informant folder in the secured informant file.

Commanding Officer's Responsibility

- o review the informant folder for completeness and compliance with divisional guidelines;
- o complete the authorization forms;
- o return approved informant file to the administrative lieutenant for filing;
- o restrict access to informant files to commanding officers and lieutenants; and
- o during specified time periods, ensure that a review of all informant files is conducted and

the information contained in them is properly updated.

Informant Participation in Crime

One of the first steps taken by an officer in an informant relationship is making it clear to the informant that no allowances will ever be made for the informant to break the law, and that his status as an informant is not a protection against arrest or prosecution. An exception is made only where the department has determined pursuant to guidelines that association or participation in specified criminal activity is justified for law enforcement. In no circumstances can an informant participate in any act of violence, initiate or instigate a plan to commit criminal acts, or use unlawful techniques (illegal wiretapping, breaking and entering, criminal trespass or illegal mail openings) to obtain information.

An informant is further advised he is not acting as an agent or employee of the department, that he may only use lawful techniques to obtain information and information can only be provided in accordance with applicable law. FBI policy states another instruction to be given as: "when the FBI learns that persons under investigation intend to commit violent crimes, any informants... used in connection with the investigation shall be instructed to try, to the extent practicable, to discourage the violence."

Informants are initially informed of these rules and can be required to indicate their understanding by signature. Informants are readvised when necessary, when there is reason to suspect involvement in criminal activity and at least annually.

Determinations that participation by an informant in criminal activity is justified is made only by commanding officers. The determinations are made in writing, reviewed through the chain of command and, in some circumstances, by a prosecutor, and kept in the informant's file.

Authorizing an informant's participation in crime is based on the following, taken from the FBI policy:

"the conduct is necessary to obtain information or evidence for paramount prosecutive purposes, to establish and maintain credibility or cover with persons associated with criminal activity under investigation, or to prevent or avoid the danger of death or serious bodily injury; and

this need outweighs the seriousness of the conduct involved."

The criminal activity participated in by informants is defined in this discussion as "extraordinary" and "ordinary" crimes, terms taken from the FBI policy. Extraordinary crimes

involve a significant risk of violence, corrupt actions by high public officials, or severe financial loss to a victim. Ordinary crimes cover any other illegal activity participated in by informants.

Authorization to participate in ordinary crimes as part of an informant's assignment is given in writing by a superior officer, who must seriously consider the consequences of such an authorization. In emergency situations, approval may be given verbally and confirmed in writing as soon as possible. Authorization is given for a specified time period and for either a single instance or detailed scope of activities. It is reviewed at the end of that time period and a written determination to continue or terminate is made by the authorizing superior officer.

A determination that participation in extraordinary crimes is justified is made by the officer's superior officer and only after that superior officer consults with and obtains the approval of the prosecutor assigned to the area where the criminal activity will be committed. The consultation, if need be, can be in a form suitable to protect the identity of the informant. The approval of the prosecutor is then forwarded through the department's chain of command for further review and approval by commanding officers.

In emergency situations, participation in extraordinary crimes can be authorized without a prosecutor's approval, but an attempt must be made to contact the appropriate authorities by telephone. The prosecutor and appropriate commanding officers must be notified as soon as possible and confirmed in writing. Emergency situations can include protection of life or substantial property, apprehension or identification of a fleeing offender, or preventing the loss of essential evidence.

Each time authorization is given for an informant to participate in criminal activity the instructions stated earlier must be reiterated. FBI policy further states that,

- o the FBI, shall also seek, to the extent possible, to provide that the adverse effect of the activity on innocent individuals is minimized;
- o that the informant's participation is minimized and that the informant is not the primary source of technical expertise or financial support for the activity in which he will participate;
- o that the informant's participation in the activity is clearly supervised by the FBI; and
- o that the informant does not directly profit from his participation in the activity.

When a police officer learns an informant has participated in unauthorized criminal activity in connection with the department, the officer must notify a superior officer. The superior officer is responsible for making a determination to notify the appropriate law enforcement agency or prosecutor of the violation, and also to make a determination to continue the informant's active status. In the rare occasion where it is deemed inadvisable to notify a law enforcement agency or where any request has been made to delay or forego prosecution, a report comprised of the facts and circumstances concerning the violation of law, the reasons for delaying or foregoing arrest and prosecution, a listing of notifications made to proper authorities and the type and use of information gathered is promptly submitted to the commanding and executive officers for a final determination.

Payment or Consideration Given to Informant

Payment or consideration from police, prosecutor, or courts are motives for a person to become an informant. Research on the use of informants has established consideration from police, prosecutor, or courts is the most common expectation of informants; whereas, cash payment is the least-likely used by police officers.

Special investigative funds are allocated to defray various costs incurred during an investigation which are not specifically covered by a police department budget. The funds are generally used to pay informants, purchase contraband, and pay for other expenditures necessary to conduct an investigation.

A commanding officer of either a special investigation bureau or intelligence unit has control and maintains the funds. Unit commanding officers can draw from the funds as needed.

Authorization for payments are needed in all cases, however, the degree of discretion on the amount of payment varies with rank. For example, the SDPD has set guidelines as follows:

- o investigators must obtain prior authorization from a superior for any expenditure in excess of \$25 and if that expenditure is questionable;
- o sergeants may approve single expenditures up to \$200;
- o lieutenants can approve single expenditures up to \$500; and
- o all expenditures over \$500 require the approval of a captain, and the commanding officer in control of the funds is consulted about the appropriateness of the amount,

nature or justification for an expenditure if there is any doubt.

All payments will be witnessed by an additional officer and informants will sign a receipt at the time of payment. The original receipt will accompany the officer's monthly departmental expense sheet, and a copy of the receipt will be filed in the informant's file.

Informants who are in a position to offer useful knowledge of criminal activities are often themselves involved in crime. It may be necessary in the course of using an informant that less serious participation in criminal activities unconnected to an investigation not be pursued to arrest in order to retain the source of information. However, as stated in the criminal conduct section, there are few exceptions to the rule of arrest and prosecute all criminal conduct by informant.

Generally, for an informant to be given consideration by the prosecutor or the court for a pending criminal case, the informant is required to give substantial information concerning persons or operations in a criminal area at a higher level than himself, e.g., a street pusher is required to give information on his drug sources. However, commanding officers can review the information given and recommend that consideration be given in any case.

Officers are prohibited from making direct promises of freedom from arrest and/or prosecution, reduction of charges or modification of sentence to informants. The officers can agree to make the informant's cooperation known to prosecutors or the court. Requests for consideration are submitted in writing by the officer working with the informant. The requests are approved up the chain of command and ultimately sent to the prosecutor involved in the case. The request contains the following:

- o a statement requesting the prosecutor be informed of the informant's cooperation and details on the past confirmations with and appraisals to a prosecutor;
- o details of the arrest of the informant including date, location, charges, arresting officer, total evidence seized or purchased, monies spent, echelon of subject, names of others arrested with the informant and the current status of the charges;
- o a listing of all arrests effected as a result of the cooperation of the informant under the following headings: date; defendant; charge; total evidence; arresting officer; location and case number; and echelon of defendant;
- o a listing of pending arrests to be effected as

a result of the informant's cooperation, under the following headings: subject; description of buy operation; number of buys; and total evidence;

- o description of other consideration given and a listing of all payments; and
- o an overall evaluation of the informant/defendant.

Officer and Informant Relationship

The single greatest hazard facing a police officer in his association with an informant is allowing a close, personal relationship to develop which may affect the officer's professional objectivity and thereby exposes him to the possibility of being compromised. Informant contacts must remain strictly professional in nature.

Off-duty social and personal business contacts are expressly prohibited. Officers cannot accept any gifts or gratuities from any informant, including meals, drinks, etc. When it is necessary to attend after-hours meetings with an informant the officer must notify his superior of the specifics of the meeting and obtain approval to attend. The officer must also be accompanied by at least one other officer.

Informants are not provided with an officer's personal telephone number or home address. Information given to the informant is kept to a minimum and only as specific as deemed necessary to perform assigned duties.

In order to prevent potential problems, it should be verified with whom the informant is living. If the informant is cohabitating with someone who is also an informant for the department or any other law enforcement agency, the officer must inform his superior. A decision of suitability is then made through proper channels. An informant should not be placed in cohabitation with another informant.

Under no circumstance can a police officer take any action to conceal a crime by one of his informants. Evidence against an informant may never be destroyed or disposed of as an inducement to encourage recruitment or continued flow of information.

In any matter presented to a prosecutor for legal action, including prosecution, application for wiretap, search or arrest warrants, or related to a grand jury where the matter has involved the use of an informant, the officer must provide full disclosure to the prosecutor concerning the nature and scope of the informant's participation. If it is deemed necessary to withhold certain information to protect the informant's identity from possible compromise, the prosecutor must still be informed of the

general nature of the information that is withheld.

An informant is not considered the personal property of any officer. To this end, in addition to the assigned officer, an alternate officer is introduced to the informant. The alternate officer is responsible for developing a rapport with the informant that would enable him to take control of the informant should the contact officer be reassigned or unable to continue the relationship. No other member of the department may utilize an informant without express permission of commanding officers.

Finally, there are some general rules to follow in the use of informants:

- o do not bring the informant to a police facility;
- o do not meet where the informant can be compromised;
- o do not establish patterns for meetings and communications with the informant;
- o do not give the informant new information;
- o do not accept informant information without corroboration;
- o do not trade information with the informant;
- o do not allow the informant to dictate procedures and strategies;
- o do not make promises that cannot be kept;
- o do not introduce one informant to another; and
- o do not use an informant who is "wanted" elsewhere.

Termination of An Informant

If at any time, an officer learns an approved informant is no longer suitable to provide information or operational assistance, his relationship must be promptly terminated. A detailed report stating the reasons for termination is recorded in the informant file, which is reviewed and placed in the inactive or unsatisfactory files.

Division of Criminal Justice Personnel Data

Since fiscal year 1965, the Laundry U.S. has been merged with the Laundry J.D. in fiscal year 1967 in England, G.A. replaced the Windsor G.A. The "TOP" column represents total personnel in the G.A./J.D. locations including prosecutors and inspectors. The "INF" column represents inspectors in J.D. and investigators in G.A.'s. Inspectors are sworn officers assigned to J.D. courts, while investigators are not sworn officers. Source: Fiscal Year & Attorney's General's records.

NUMBER OF CASES ADDED FOR J.D. AND G.A.
COURTS, WITH PERCENT OF ALL J.D. OR G.A.
CASES ADDED FOR EACH COURT LOCATION

LOCATION	CASES ADDED 1987-88	PERCENT ALL CASES ADDED
ANSN./MLFRD. J.D.	84	1.4
FAIRFIELD J.D.	876	14.1
DANBURY J.D.	558	9.0
HARTFORD J.D.	1142	18.4
LITCHFIELD J.D.	314	5.1
MIDDLESEX J.D.	246	4.0
NEW HAVEN J.D.	1028	16.6
NEW LONDON J.D.	378	6.1
STAMFORD J.D.	413	6.7
TOLLAND J.D.	160	2.6
WATERBURY J.D.	907	14.6
WINDHAM J.D.	98	1.6
ALL J.D. COURTS	6204	100.0
STAMFORD G.A.	43248	6.5
BRIDGEPORT G.A.	53957	8.1
DANBURY G.A.	32927	5.0
WATERBURY G.A.	43634	6.6
DERBY G.A.	28588	4.3
NEW HAVEN G.A.	34234	5.2
MERIDEN G.A.	39538	6.0
WEST HAVEN G.A.	24344	3.7
MIDDLETOWN G.A.	41954	6.3
NEW LONDON G.A.	45676	6.9
DANIELSON G.A.	15195	2.3
MANCHESTER G.A.	31061	4.7
ENFIELD G.A. +	23883	3.6
HARTFORD G.A.	38628	5.8
NEW BRITAIN G.A.	23942	3.6
WEST HARTFORD G.A.	21822	3.3
BRISTOL G.A.	16705	2.5
WINSTED G.A.	19937	3.0
ROCKVILLE G.A.	35705	5.4
NORWALK G.A.	32133	4.8
NORWICH G.A.	17317	2.6
ALL G.A. COURTS	664428	100.0
ALL J.D.'s/ G.A.'s	670632	100.0

Source: Judicial Department printout
from the 1986-88 biennial report.
+ In fiscal year 1987 the Enfield G.A.
replaced the Windsor G.A.

CHANGE IN NUMBERS OF PROSECUTORS, INSPECTORS AND TOTAL STAFF IN THE DIVISION OF
CRIMINAL JUSTICE FOR TWO TIME PERIODS (IN ABSOLUTE NUMBERS AND IN PERCENT)

COURT LOCATION	F.Y. 1982 TO 1985			F.Y. 1986 TO 1988			F.Y. 1982 TO 1985			F.Y. 1986 TO 1988		
	+/- PROS	+/- INSP	+/- TOT	+/- PROS	+/- INSP	+/- TOT	% +/- PROS	% +/- INSP	% +/- TOT	% +/- PROS	% +/- INSP	% +/- TOT
ANSN./MLFRD. J.D. DERBY G.A.	1 -0.5	0 0	1 -0.5	-1 1	0 0	-1 1	100.0 -14.3	0.0 0.0	33.3 -7.7	-50.0 33.3	0.0 0.0	-25.0 16.7
DANBURY J.D. DANBURY G.A. +	3 -2	1 0	5 -3	1 0	0 0	1 0	150.0 0.0	50.0 0.0	100.0 0.0	20.0 0.0	0.0 0.0	10.0 0.0
FAIRFIELD J.D. BRIDGEPORT G.A.	1 0.5	0 0	1 -0.5	1.5 0.5	0 0	2.5 0.5	11.8 7.1	0.0 0.0	5.4 -4.2	15.8 6.7	0.0 0.0	12.8 4.0
HARTFORD J.D. MANCHESTER G.A. ENFIELD G.A. *	0 -0.5 0	1 0 0	1 -0.5 0	1 1 1.5	0 0 0	2 1 1.5	0.0 -16.7 0.0	12.5 0.0 0.0	4.2 -10.0 0.0	9.1 33.3 60.0	0.0 0.0 0.0	8.0 20.0 33.3
HARTFORD G.A. NEW BRITAIN G.A. W. HARTFORD G.A. BRISTOL G.A.	1 0 0 0	0 0 0 0	1 0 0 0	1 1 0 0	-1 0 0 0	0 1 0 0	20.0 0.0 0.0 0.0	0.0 0.0 0.0 0.0	11.1 0.0 0.0 0.0	14.3 33.3 0.0 0.0	-50.0 0.0 0.0 0.0	0.0 20.0 0.0 0.0
LITCHFIELD J.D. WINSTED G.A.	0 0	1 0	1 0	-1 0	0 0	-1 0	0.0 0.0	# 0.0	33.3 0.0	-50.0 0.0	0.0 0.0	-25.0 0.0
MIDDLESEX J.D. MIDDLETOWN G.A.	0 -1	0 0	0 -1	0 2	0 0	0 5	0.0 -33.3	0.0 0.0	0.0 -20.0	0.0 100.0	0.0 0.0	0.0 500.0
NEW HAVEN J.D. NEW HAVEN G.A. MERIDEN G.A. WEST HAVEN G.A.	0.5 0.5 0 0	0 0 0 1	0.5 1.5 0 1	-1 3 -0.5 0	0 0 0 0	0 3 0.5 0	4.3 9.1 0.0 0.0	0.0 0.0 0.0 #	2.0 15.8 0.0 33.3	-8.3 50.0 -14.3 0.0	0.0 0.0 0.0 0.0	0.0 25.0 9.1 0.0
NEW LONDON J.D. NEW LONDON G.A. NORWICH G.A.	1 0 0	0 1 1	1 1 1	0 0.5 0	0 0 0	0 1.5 0	33.3 0.0 0.0	0.0 # #	12.5 22.2 40.0	0.0 11.1 0.0	0.0 0.0 0.0	0.0 23.1 0.0
STAMFORD J.D. STAMFORD G.A. NORWALK G.A.	1 1 1	1 0 -1	2 1 2	1 1 0.5	0 0 0	1 2 0.5	50.0 33.3 40.0	100.0 0.0 #	50.0 20.0 57.1	33.3 -25.0 14.3	0.0 0.0 0.0	16.7 33.3 7.7
TOLLAND J.D. ROCKVILLE G.A.	0 1	0 1	0 2	-0.5 -0.5	0 0	-0.5 -1.5	0.0 40.0	0.0 #	0.0 57.1	-33.3 -14.3	0.0 0.0	-14.3 -23.1
WATERBURY J.D. WATERBURY G.A.	0 0	0 0	0 1	0 1	0 0	0 2	0.0 0.0	0.0 0.0	0.0 16.7	0.0 25.0	0.0 0.0	0.0 28.6
WINDHAM J.D. DANIELSON G.A.	0 0	0 0	0 0	0 1	0 0	0 1	0.0 0.0	0.0 0.0	0.0 0.0	0.0 50.0	0.0 0.0	0.0 25.0
ALL J.D.'s/ G.A.'s	8.5	9	18.5	15	-1	23	13.17	6.02	14.31	11.38	-1.56	22.05
C.S.A. PRE-ARREST C.S.A. APPELLATE C.S.A. ADMIN.	6.5 3 3	5 0 2	11.5 6 8	5 13 -6	2 0 1	8 16 -6	76.5 150.0 50.0	50.0 0.0 40.0	48.9 300.0 53.3	33.3 185.7 -60.0	12.5 0.0 14.3	22.2 160.0 -25.0
TOTAL C.S.A.	12.5	7	25.5	12	3	18	92.15	30	134.0	53.01	8.93	52.40
TOTAL DIVISION	29.5	25	62.5	42	1	64	11.8	19.7	12.7	14.5	0.6	11.2

* Since fiscal year 1985 the Danbury G.A. has been merged with the Danbury J.D.

* In fiscal year 1987 the Enfield G.A. replaced the Windsor G.A.

No percentage increase can be given here because the number of positions went from zero to one.

** The "% +/- TOT" columns represent total personnel in the G.A./J.D. locations including prosecutors and

** The "INSP" columns represent inspectors in J.D. courts and investigators in G.A. courts. inspectors.

Source: Chief State's Attorneys office personnel records.

APPENDIX E. STATE LAW ENFORCEMENT STRUCTURE IN THE FIFTY STATES.

STATE	UNIFORMED DIV.	DIVISION HEAD	STATUTORY QUALIFICATION	APPT BY	DEPT. NAME	DEPT. HEAD	STATUTORY QUALIFICATION	APPT BY	REPT BY
AL	Highway Patrol	Chief	None	A	Public Safety	Director	None	A	G
AK	State Police	Super.	None	A	Public Safety	Commissioner	None	A	GB
AZ	Highway Patrol	Director	B.A., specified LE exp, resident, good moral char	G	Public Safety	Director	training & exper, with 5yrs law enforce admin	G	G
AR	State Police	Comm.	civil exec officer, at least 5yr resident	GS	Transportation Agency	Secretary	None	GS	G
CA	State Patrol	Chief	St P.O. for 7yrs w/ 4yrs as admin officer	GE	Public Safety	Commissioner	None	GS	G
CT	State Police	Comm. Col.	None	A	Public Safety	Secretary	qualified by train & exper, may be resident	GS	G
DE	State Police	Super.	None	A	Dept Hwy Safety & MV	Director	also serves as commander of Hwy Patrol	G	GC
FL	Highway Patrol	Commander	None	BG	Public Safety	Commissioner	may be a P.O., also serve as St Patrol Comm.	BG	G
GA**	State Patrol	Comm.	None	AG	Div. of Law Enforce	Director	None	GS	G
HI	State Police	Super.	None	AG	Public Safety	Commissioner	exec/admin capacity, good stand, high moral char	GS	G
ID	State Police	Super.	train/exp, 5yrs as police exec/management	G	Justice Cabinet	Secretary	None	G	G
IL	State Police	Super.	basis of seniority and merit examination	GS	Public Safe & Correc	Secretary	None	GS	G
IN**	State Police	Chief	special training and qualifications	GS	Public Safe & Correc	Commissioner	None	GS	G
IA	State Hwy Patrol	Super.	train/exp, qual, 5yrs exp police/public admin	AG	Public Safe & Correc	Secretary	None	GS	G
KS	Highway Patrol	Comm.	based on qualifications to administrator	GS	Public Safe & Correc	Commissioner	None	GS	G
KY	State Police	Director	appt from within commissioned ranks of SP	AG	Public Safe & Correc	Secretary	None	GS	G
LA	State Police	Chief	basis of train/exp/ability, US citizen	A	Public Safety	Commissioner	None	G	G
ME***	State Police	Super.	None	GS	Public Safety	Commissioner	None	GS	G
MD	State Police	Super.	None	GS	Public Safety	Commissioner	None	GS	G
MA	State Police	Super.	None	GS	Public Safety	Commissioner	None	GS	G
MI	State Police	Director	None	GS	Public Safety	Commissioner	None	GS	G
MN	State Patrol	Chief	Supr	A	Public Safety	Commissioner	None	GS	G
MS	Hwy Safety Patrol	Chief	same qualifications as commissioner of P.S.	A	Public Safety	Commissioner	sound business judgment, qualified elector	GS	G
MO	Highway Patrol	Super.	US Citzn, 3yr St resident, at least 30yrs old	GS	Public Safety	Director	None	GS	G
MT	Highway Patrol	Pat'l Chief	continuous St resident for 5yrs	AT	Dept. of Justice	Atty General	None	GS	G
NE	State Patrol	Super.	at least 4yrs exp as police officer	G	MV & Public Safety	Director	train/exp/capacity/interest in MV admin	G	G
NV	Highway Patrol	Chief	None	A	Dept. of Safety	Commissioner	None	GC	G
NH	State Police	Director	Exp in crim. invest, crim. pros, traffic law	GC	Dept Law & Pub Safe	Atty General	None	GS	G
NJ	State Police	Super.	basis of training, exper & admin qualification	GS	Dept Public Safety	Secretary	None	GS	G
NM**	State Police	Chief	SP for 10yrs and supervisor for at least 3yrs	GD	Pub Safe/Crime Ctl	Secretary	None	G	G
NY	State Police	Super.	None	GS	Dept. Hwy Safety	Director	None	GS	G
NC	State Hwy Patrol	C/O	None	G	Pub Safe/Hwy Pat'l	Commissioner	PO w/10 yrs exp or 5yrs & related college BA	GS	G
ND	Highway Patrol	Super.	None	C	Hwy/Public Trans.	Commissioner	practical & successful business, exec ability	GS	G
OH	State Hwy Patrol	Super.	None	AG	Commerce & Regulat'n	Secretary	None	G	G
OK	Highway Patrol	Chief	officer, previous rec, length serv, efficiency	A	Dept. of Safety	Commissioner	qualified disciplinarian & exper'd in safety	G	G
OR	State Police	Super.	None	GS	Public Safety	Commission	Know/exp in law, ed, training, exec ability	GS	G
PA	State Police	Super.	None	GS	Public Safety	Commissioner	moral charac, good standing, exec admin exper	GS	G
RI	State Police	Super.	qualified police administrator	G	Public Safety	Commissioner	Basis of training, experience & qualification	GS	G
SC	Highway Patrol	Director	None	BG	Trans/Public Safety	Secretary	None	GB	G
SD	Highway Patrol	Super.	None	AG	Public Safety	Superintendent	at least 30 yrs old	GS	G
TN	Highway Patrol	Chief	None	AG	Transportation	Secretary	None	GS	G
TX	Highway Patrol	Chief P.O.	None	B	Hwy Commission	Commission	7 citizens from different districts	GS	G
UT	Highway Patrol	Comm.	None	AG					
VT	State Police	Comm.	None	A					
VA	State Police	Super.	None	GB					
WA	State Patrol	Chief	None	GS					
WV	State Police	Director	None	AB					
WI	State Patrol								
WY	Highway Patrol								

APPENDIX E. STATE LAW ENFORCEMENT STRUCTURE IN THE FIFTY STATES.

STATE	DEPT/DIV WITH INVEST FUNCTION	# OF F.O.*	# OF CIV*	CRIM. INVEST	OC INVEST	RE SU	OTHER FUNCTIONS OF THE DEPARTMENT
AL	Public Safety	727	528	Yes	X	X	Div of admin, driver license, & service
AK	State Police	294	140	Yes	X	X	
AZ	Public Safety	948	590	Yes	X	X	Div. crim invest, lab, train/ed, liquor control
AR	State Police	479	168	Yes	X	X	
CA	Highway Patrol	5624	2152	No			Dept Alcohol Cont'l, MV, Trans, Corp, Insur, House
CO	State Patrol	509	293	No			Academy, Div CRJ, Emer Serv, Fire Safe, Disaster
CT	State Police	943	411	Yes	X	X	Fire Marshall, Lab, Building Codes
DE	State Police	451	144	Yes	X	X	Div MV, Emergency Plan, Boiler Safe, Fuel Tax
FL	Highway Patrol	1570	521	Yes			Div of MV
GA	Public Safety	829	821	No			Security Guard Div
HI	State Police	177	37	No			Div of MV, Medical Examiner
ID	State Police	2164	1271	Yes	X	X	
IL	State Police	1098	522	Yes	X	X	
IN	State Patrol	414	30	No			Div Beer/Liquor Control, PariMutual Enforce
IA	Highway Patrol	421	150	No			
KY	State Police	979	555	Yes	X	X	Dept of Training, Medical Examiner
LA	State Police	760	348	Yes	X	X	RS/Correct Serv, MV, Fire Mar'l, Alcohol Contr'l
ME	State Police	355	147	Yes	X	X	Bur Liquor Enforc, Fire Marshal, Academy
MA	State Police	1593	616	Yes	X	X	Div Correct, Fire Marshal, Parole, Probation
MD	Public Safety	1280	171	Yes	X	X	Div Inspec, Fire Marshal, Crim Info Bur
MI	State Police	2116	771	Yes	X	X	Fire Marshal, Public Safety, Inspectors
MN	State Patrol	510	162	No			Fire Marshal, Crim Apprehension, Buildings
MS	Hwy Patrol	444	333	Yes			Academy, Fire, Justice Info, Civil Emergency
MO	Highway Patrol	854	752	No	X	X	Liquor Cont'l, MV, Fire Marshal, St Militia
MT	Highway Patrol	200	44	No			Fire Marshl, Crime Cont'l Bd, Hwy Traffic Safety
NE	State Patrol	381	115	Yes	X	X	
NV	Highway Patrol	234	95	No	X	X	Bur Enforc, Div reg, admin, invest, license
NH	State Police	225	71	Yes	X	X	Div of MV, Div of Safety Service
NJ	State Police	2342	1000	Yes	X	X	Div of Law, MV, Alcohol Control, Pro. Board, Admin
NM	State Police	396	265	Yes	X	X	Div of Special Invest, training, service, admin
NY	State Police	3684	852	Yes	X	X	
NC	State Hwy Patrol	1187	316	No			Dept. Military/Vet, Trans, Natural/Econ Resource
ND	Highway Patrol	115	26	No			
OH	State Hwy Patrol	1195	866	Yes			Dept. of MV
OK	Highway Patrol	794	495	No			Div of license, admin, financial responsibility
OR	State Police	889	159	Yes	X	X	Bur of Crim Id, St Detective Bur, Crim Labs
PA	State Police	3984	961	Yes	X	X	
RI	State Police	183	33	Yes	X	X	St Fire Marshal, Dep of Environ Management
SC	Highway Patrol	842	154	Yes			Div of MV, engineering, law enforcement & other
SD	Highway Patrol	163	19	No			Div Fire, MV, Hwy, Banking, Housing, Inspec, reg
TN	Dept of Safety	575	161	Yes			Div of MV Enforcement & Protective Services
TX	Public Safety	2586	2405	Yes	X	X	TX Rangers, HQ Div, Bur of Intell, Ed. Comm.
UT	Highway Patrol	391	41	No	X	X	Bur Crim Id, Fire Marshal, MV, Safety Ed & Protc
VT	Public Safety	269	129	Yes	X	X	Criminal Info Center, Fire Marshal
VA	State Police	1158	511	Yes	X	X	Port Authority, Correct, Alcohol Cont'l, MV, Fire
WA	State Patrol	847	720	Yes	X	X	Crim. Info Center, Lab, Id Sect, CRJ Advis. Coun.
WV	Public Safety	556	311	Yes	X	X	Military, Crim Id Bur, Emergency Serv, Sheriff Bur
WI	State Patrol	457	189	No			Hwy, bridges building, etc
WY	Highway Patrol	161	51	No			Highways, construction, building

* Number of personnel within the uniformed division.

** States that also have Public Safety or State Police policy boards. The Georgia board appoints the Public Safety Commissioner. The New Mexico board appoints the State Police Chief.

*** Governor has discretion to appoint the same person to serve as Public Safety Commissioner and Chief of Maine State Police. This person can be appointed from within the ranks of the State Police.

CODES: APPOINTED BY APPROVED BY

A Agency Head
 AB Agency Head
 AG Agency Head
 AT Attorney General
 B Board
 BG Board/Commission
 G Governor
 GB Governor
 GC Governor
 GD Governor
 GE Governor
 GS Governor
 Board
 Governor
 Both Houses
 Council/Cabinet
 Dept. Board
 Either House
 Senate

RE- Responsibility for function.
 SU- Special unit exists for function.

SUPER.- Superintendent

SOURCE: LPRGIC
 1987 Data Book on State & Provincial Law Enforcement Agencies. Michigan State Police.

APPENDIX F

Legislative Program Review and Investigations Committee

Criminal Justice Survey

1. Please indicate your professional status.

- a) ☐ State's Attorney
- b) ☐ Assistant State's Attorney (C.S.A.'s Office)
- c) ☐ Deputy Assistant State's Attorney (C.S.A.'s Office)
- d) ☐ Assistant State's Attorney (Judicial District)
- e) ☐ Deputy Assistant State's Attorney (Judicial District)
- f) ☐ Inspector (C.S.A.'s Office)
- g) ☐ Inspector (Judicial District)
- h) ☐ State Police Commanding Officer
- i) ☐ State Police Detective
- j) ☐ State Police Patrol Trooper

2. How many years have you served in your current agency? (e.g., Office of the Chief State's Attorney, Judicial District (State's Attorney's Office), State Police).

_____ Years

3. Check the column that best estimates the number of times you have contact with each of the following agencies on official business over the course of a month. (Check the 0 column for your own agency and for those with which you have no contact).

	<u>0</u>	<u>1-5</u>	<u>6-15</u>	<u>16-></u>
a) Chief State's Attorney	_____	_____	_____	_____
b) State's Attorney	_____	_____	_____	_____
c) State Police	_____	_____	_____	_____
d) Local Police	_____	_____	_____	_____

4. How would you characterize the information exchange between your office and the following agencies? (Please circle the appropriate response. Circle #6 for your own agency and those with which you have little or no communications).

	Excellent	Adequate	Poor	N.A.		
	----	----	----	- -		
a) Chief State's Attorney	1	2	3	4	5	6
b) State's Attorney	1	2	3	4	5	6
c) State Police	1	2	3	4	5	6
d) Local Police	1	2	3	4	5	6

5. How would you characterize your own relationship with the following agencies? (Please circle the appropriate response. Circle #6 opposite your own agency and any others with which you have little or no contact).

	Excellent		Adequate		Poor	N.A.
	----	----	----	----		----
a) Chief State's Attorney	1	2	3	4	5	6
b) State's Attorney	1	2	3	4	5	6
c) State Police	1	2	3	4	5	6
d) Local Police	1	2	3	4	5	6

6. How would you characterize your agency's relationship with the following agencies? (Please circle the appropriate response. Circle #6 opposite your own agency and any others with which you have little or no contact).

	Excellent		Adequate		Poor	N.A.
	----	----	----	----		----
a) Chief State's Attorney	1	2	3	4	5	6
b) State's Attorney	1	2	3	4	5	6
c) State Police	1	2	3	4	5	6
d) Local Police	1	2	3	4	5	6

7. How would you rate the quality of work performed by the following agencies in cases that you have had direct involvement with? (Please circle the appropriate response. Circle #6 for your agency and any others with which you have little or no contact).

	Excellent		Adequate		Poor	N.A.
	----	----	----	----		----
a) Chief State's Attorney	1	2	3	4	5	6
b) State's Attorney	1	2	3	4	5	6
c) State Police	1	2	3	4	5	6
d) Local Police	1	2	3	4	5	6

8. How would you rate the quality of work performed by your own agency? (Please circle the appropriate response).

Excellent	Adequate	Poor
----	----	----
1	2	3
		4
		5

9. How do you think the following agencies would rate the quality of work performed by your own agency? (Please circle the appropriate response. Circle #6 for your own agency).

	Excellent	Adequate			Poor	N.A.
	1	2	3	4	5	6
a) Chief State's Attorney	1	2	3	4	5	6
b) State's Attorney	1	2	3	4	5	6
c) State Police	1	2	3	4	5	6
d) Local Police	1	2	3	4	5	6

10. In the course of a criminal case, what degree of trust would you put in the following agencies? (Please circle the appropriate response. Circle #6 for your own agency and those agencies with which you have little or no contact).

	High Degree				Low Degree	N.A.
	1	2	3	4	5	6
a) Chief State's Attorney	1	2	3	4	5	6
b) State's Attorney	1	2	3	4	5	6
c) State Police	1	2	3	4	5	6
d) Local Police	1	2	3	4	5	6

11. Optional: Any additional comments.

APPENDIX G

Summary of Criminal Justice Survey Comments

<u>Professional Status</u>	<u>Years of Service</u>	<u>Written Comments by Typology Code</u>
State's Attorney	*	11
A.S.A. (C.S.A.)	4	3
A.S.A. (C.S.A.)	9	1, 7, 10, 6, 9, 13,
A.S.A. (C.S.A.)	12	13
D.A.S.A. (C.S.A.)	2	2
D.A.S.A. (C.S.A.)	3	1, 7
D.A.S.A. (C.S.A.)	1	18
D.A.S.A. (C.S.A.)	1	18
A.S.A. (j.d.)	11	12
A.S.A. (j.d.)	10	1, 2
A.S.A. (j.d.)	5	2, 3
A.S.A. (j.d.)	18	10, 12, 8
A.S.A. (j.d.)	8	3, 12, 19
A.S.A. (j.d.)	10	11, 13, 8, 9, 12, 10
A.S.A. (j.d.)	10	3
A.S.A. (j.d.)	8	3, 9
A.S.A. (j.d.)	12	4, 12, 13, 17
A.S.A. (j.d.)	12	6, 12
A.S.A. (j.d.)	7	9, 10, 13
A.S.A. (j.d.)	8	
A.S.A. (j.d.)	16	9, 12
A.S.A. (j.d.)	8	6, 9, 10
A.S.A. (j.d.)	9	3, 10, 12, 13, 17
A.S.A. (j.d.)	15	2, 3
A.S.A. (j.d.)	6	6, 9, 11
A.S.A. (j.d.)	12	5, 12
A.S.A. (j.d.)	2	17
A.S.A. (j.d.)	1	5, 11, 12, 13,
A.S.A. (j.d.)	13	9
A.S.A. (j.d.)	11	9, 10
D.A.S.A. (j.d.)	1	3, 6
D.A.S.A. (j.d.)	1	4
Inspector (C.S.A.)	5	2
Inspector (C.S.A.)	15	1
Inspector (j.d.)	24	6, 15
Inspector (j.d.)	5	17
Inspector (j.d.)	9	12, 17
Inspector (j.d.)	8	1, 3
Inspector (j.d.)	5	5, 9, 12, 13
Inspector (j.d.)	10	4, 10

<u>Professional Status</u>	<u>Years of Service</u>	<u>Written Comments by Typology Code</u>
State Police (C.O.)	30	1, 2, 5, 7
State Police (C.O.)	15	1, 3, 19
State Police (C.O.)	22	1, 3, 19
State Police (C.O.)	22	1, 2
State Police (C.O.)	18	3
State Police (C.O.)	21	2
State Police (C.O.)	18	3, 14
State Police (C.O.)	16	2
State Police (C.O.)	18	1
State Police (C.O.)	23	5, 19
State Police (C.O.)	20	3, 5
State Police (C.O.)	18	3, 14, 19
State Police (C.O.)	20	1
State Police (C.O.)	29	2
State Police (C.O.)	16	16, 19
State Police Detective	20	19
State Police Detective	6	19
State Police Detective	17	1
State Police Detective	26	3
State Police Detective	16	3
State Police Detective	30	2
State Police Detective	22	7
State Police Detective	13	2, 3, 5
State Police Detective	17	1, 3, 5
State Police Detective	17	4, 19
State Police Detective	23	19
State Police Detective	8	16
State Police Detective	14	16
State Police Detective	18	3
State Police Detective	16	2, 3
State Police Detective	16	19
State Police Detective	20	3, 16
State Police Detective	20	1, 5
State Police Detective	19	14
State Police Detective	12	1
State Police Detective	19	15
State Police Detective	15	1, 4
State Police Detective	15	3
State Police Detective	14	1, 3
State Police Detective	27	4
State Police Detective	20	3, 19
State Police Detective	17	3

<u>Professional Status</u>	<u>Years of Service</u>	<u>Written Comments by Typology Code</u>
State Police Trooper	2	3
State Police Trooper	19	3, 15
State Police Trooper	11	1
State Police Trooper	18	3, 14
State Police Trooper	1	6
State Police Trooper	15	4
State Police Trooper	2	4, 5
State Police Trooper	19	6
State Police Trooper	9	3
State Police Trooper	3	4
State Police Trooper	2	19
State Police Trooper	3	4, 7
State Police Trooper	3	1
State Police Trooper	3	16
State Police Trooper	22	2
State Police Trooper	2	18
State Police Trooper	22	5
State Police Trooper	5	14
State Police Trooper	8	5

* Years of service not provided to assure anonymity.

Note: The table above reflects the nature of all written comments included with the Criminal Justice Surveys received as of 7/27/88.

APPENDIX H

WITNESSES APPEARING BEFORE THE LPR&IC
DURING THE CRIMINAL JUSTICE INVESTIGATION

<u>DATE</u>	<u>WITNESS</u>
2/4/88	State Police Lt. Bruce Haines, commanding officer of SOCITF Thomas Speers
2/5/88	Superior Court Judge Anne Dranginis Attorney Timothy Moynahan John Connelly, Waterbury State's Attorney
2/10/88	John Connelly, Waterbury State's Attorney
2/11/88	Public Safety Commissioner Lester Forst, State Police Commander, Colonel Chief State's Attorney John Kelly
2/24/88	Chief State's Attorney John Kelly
7/12/88	Orlando Ragazzi, Director of Division of Special Revenue, retired State Police Lt. Colonel, and former commanding officer of SOCITF State Police Lt. Edward Dailey, former Public Information Officer Attorney Robert Meyers, State Police Legal Advisor State Police Major Patrick Hedge, commanding officer of Special Investigations Bureau
7/14/88	Public Safety Commissioner Lester Forst, State Police Commander, Colonel Chief State's Attorney John Kelly Superior Court Judge Joseph Gormley, the first Chief State's Attorney

Witness List, cont.

7/21/88 Chief Court Administrator Aaron Ment, Superior
 Court Judge

 Attorney James Murphy, Chairman of the
 Criminal Justice Commission

 Attorney Austin McGuigan, former Chief State's
 Attorney

8/4/88 John Bailey, Hartford/New Britain State's
 Attorney

 Michael Dearington, New Haven State's Attorney

 Mary Galvin, Ansonia/Milford State's Attorney

 Frank Maco, Litchfield State's Attorney

8/11/88 Donald Caldwell, Tolland State's Attorney

 Robert Satti, New London State's Attorney

 Donald Brown, Fairfield State's Attorney

 Walter Flanagan, Danbury State's Attorney

8/18/88 Thomas Speers

 John Doyle, retired State Police Lt.

 Frank X. La Sacco

 William Bailey, Bridgeport police officer

 Francis Nardozzi, Police Commissioner, Waterbury
 Police Department

 Pasquale Di Fazio

 Vernon Bracket